

1937

c 8 Election Act

Ontario

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CHAPTER 8.

The Election Act.

MISCELLANEOUS.

INTERPRETATION.

1. In this Act,—

Interpreta-
tion.

- (a) "Board" shall mean election board as constituted under this Act for a county or provisional judicial district; "Board."
- (b) "Candidate at an election" and "candidate" shall mean and include a person elected to serve in the Assembly, and a person who is nominated as a candidate at an election, or is declared by himself or by others to be a candidate, on or after the day of the issue of the writ, or after the dissolution or vacancy in consequence of which the writ has been issued; "Candi-
date."
- (c) "Corrupt practice" shall mean and include bribery and an act declared to be a corrupt practice by this or any other Act of this Legislature or recognized as such by the common law of Parliament; "Corrupt
practice."
- (d) "County" shall include district; "County."
- (e) "County court" shall include a district court; "County
court."
- (f) "Election court" shall mean and include a court constituted under *The Controverted Elections Act* for the trial of a petition and a summary trial court constituted under that Act; "Election
court."
Rev. Stat.,
c. 11.
- (g) "Form" shall mean a form in the Schedule to this Act or prescribed by regulations made under this Act; "Form."
- (h) "Local municipality" shall mean and include a city, town, township or village, as the case may be; R.S.O. 1927, c. 8, s. 1, cls. (a-i). "Local
municipi-
pality."

- "Mariner." (i) "Mariner" shall mean and include any man or woman who is serving in His Majesty's naval forces of Great Britain or Canada, or is serving in any capacity on a mercantile vessel registered at a British port at the time of the issue of a writ for any provincial election; 1929, c. 5. s. 2.
- "Official agent." (j) "Official agent" shall mean the agent appointed by a candidate under section 199;
- "Polling list." (k) "Polling list" shall mean the list of voters furnished to a deputy returning officer by the returning officer in accordance with the provisions of this Act;
- "Pre-scribed." (l) "Prescribed" shall mean prescribed by this Act or by the regulations made under this Act;
- "Regulations." (m) "Regulations" shall mean regulations made under the authority of this Act. R.S.O. 1927, c. 8, s. 1, cls. (j-m).

ELECTION BOARD.

Board for every county and district. **2.—**(1) There shall be in every county and in every provisional judicial district a board to be known as the election board.

Disqualification for election. (2) No person who is a member of the board, or has been engaged as a revising officer, in the preparation of the voters' lists to be used at the election, shall be eligible as a candidate at such election. R.S.O. 1927, c. 8, s. 2.

How composed. **3.—**(1) The board shall consist of the officers hereinafter mentioned, namely:

In County of York. (a) In the County of York the board shall be composed of the judges of the county court;

In every other county and district. (b) In every other county and in every provisional judicial district the board shall be composed of five members as follows: the judge and junior judge of the county or district court, the local registrar of the Supreme Court, the sheriff of the county or district, the clerk of the peace, and where there is no junior judge of the county or district court, the local master of the Supreme Court, or where the local master is also the judge of the county or district, the registrar of deeds, and where

there are more registry divisions than one in the county or district such one of the registrars of deeds as may be designated by the remaining members of the board;

- (c) For the purposes of this section every city shall be taken to form part of the county or district in which it is situate, and the board shall have jurisdiction accordingly. R.S.O. 1927, c. 8, s. 3 (1); 1932, c. 53, s. 2.

City to be part of county or district.

- (2) Where there is no local registrar of the Supreme Court, the deputy registrar of the Supreme Court, or the deputy clerk of the Crown, according to seniority of appointment shall be a member of the board.

When deputy registrar or clerk of the Crown to act.

- (3) The judge of the county or district court of the county or district, or in his absence, or in case of his inability to act, or in case of a vacancy in his office, the junior judge, or acting judge of the county or district court, shall be chairman of the board.

Chairman.

- (4) In case the judge, or junior or acting judge, is unable to act, and, on account of illness or absence, there is no other person who may act in his place, he may appoint, in writing, some other member of the board as chairman *pro tempore*, or, if he is unable or neglects to do so, the remaining members of the board may elect a chairman from among their own number.

Vacancy in chairman-ship.

- (5) The board shall appoint one of their own number or some other person to act as clerk of the board.

Clerk of board

- (6) Every member of the board, and the clerk, before acting, shall take the prescribed oath before a commissioner for taking affidavits, or a justice of the peace.

Oath of office.

- (7) Three members of the board shall form a quorum.

Quorum.

- (8) Where there is a vacancy in the membership of the board and there is no official to fill the vacancy or where the number of officials mentioned in clause *b* of subsection 1 is not sufficient to complete the board, the board may elect some fit and proper person, or a sufficient number of such persons, to complete the full membership of the board.

Where vacancy in board.

- (9) Subject to the regulations, where an electoral district includes parts of two or more counties or districts, such electoral district shall, for the purposes of this Act, be deemed to form part of the county or district in which the greater part of such electoral district is situate. R.S.O. 1927, c. 8, s. 3 (2-9).

Electoral district containing territory in more than one county or district.

CLERK OF THE CROWN IN CHANCERY.

Appointment
of Clerk of
Crown in
Chancery.

4. The Lieutenant-Governor in Council shall appoint a Clerk of the Crown in Chancery, and in case of a vacancy in the office, or of the absence or inability to act of the person so appointed, the Clerk of the Assembly shall be *ex officio* the Clerk of the Crown in Chancery, and the person so appointed, or the Clerk, shall discharge all the duties which by any statute, law or usage, ought to be, or have heretofore been, discharged or performed by the Clerk of the Crown in Chancery. R.S.O. 1927, c. 8, s. 4.

CHIEF ELECTION OFFICER.

Appointment
of Chief
Election
Officer.

5.—(1) The Lieutenant-Governor in Council shall appoint some person being a barrister of at least ten years' standing at the Bar of Ontario, and a permanent officer of the Legislature or of the Assembly or otherwise employed in the public service, to be Chief Election Officer and may appoint some other person possessing the like qualifications to be Assistant Chief Election Officer.

Duties.

(2) It shall be the duty of the Chief Election Officer to consult with and advise the boards throughout the Province, and to supervise and instruct the returning officers, deputy returning officers and poll clerks, in the performance of their duties, and where necessary to personally visit and consult with the chairman of the board or the returning officer, with a view to facilitating the preparation of the lists and the carrying out of the provisions of this Act, and the preparation of the lists of voters in territory without municipal organization.

Powers and
duties of
Assistant
Chief
Election
Officer.

(3) The Assistant Chief Election Officer may act in the place of the Chief Election Officer at any time and while so acting shall possess the like powers and perform the like duties as the Chief Election Officer.

In cases of
emergency.

(4) In cases of emergency for which no provision is made the Chief Election Officer may give such directions as he may deem proper and anything done in compliance with such directions shall not be open to question, but the Chief Election Officer shall immediately give notice of any directions so given by him to any candidate or proposed candidate of whom he has knowledge. R.S.O. 1927, c. 8, s. 5.

Clerical
assistance.

6. The Clerk of the Crown in Chancery and the Chief Election Officer may provide for such clerical and other assistance as may be necessary in the performance of their duties, and the Lieutenant-Governor in Council may authorize

the issue of accountable warrants from time to time for payment of travelling and other expenses, and for remuneration of said officers and of persons employed in the office of the Clerk of the Crown in Chancery and the Chief Election Officer. R.S.O. 1927, c. 8, s. 6.

EFFECT OF IRREGULARITIES.

7.—(1) No election shall be declared invalid by reason of,—

- (a) any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll; Irregularities not affecting result.
or
- (b) a failure to hold a poll at any place appointed for holding a poll; or
- (c) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or as to limitations of time; or
- (d) any mistake in the use of the Forms contained in the Schedule to this Act;

if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such irregularity, failure, non-compliance or mistake did not affect the result of the election.

(2) An irregularity in the preparation or revision of any assessment roll or voters' list for a municipality shall not be a ground for questioning the validity of an election or a return under *The Controverted Elections Act*, or otherwise. Irregularities in assessment roll or voters' list not to affect election. Rev. Stat. c. 11.

ELECTION INTERRUPTED.

8. If by reason of riot or other emergency, a nomination meeting or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer or deputy returning officer, as the case may be, shall hold or resume the election or polling on the following day, at the hour of one o'clock in the afternoon in the case of a nomination meeting and at the hour of eight o'clock in the forenoon in the case of a polling, and continue the same from day to day if necessary, until a fair opportunity for nominating candidates has been given or, in the case of polling, until Provision, when election or polling is not commenced or is interrupted.

the poll has been opened without interruption and with free access to voters for eleven hours in all. R.S.O. 1927, c. 8, s. 8.

OATHS AND AFFIDAVITS.

Who may
take
affidavits.

9.—(1) Except where otherwise provided, any oath or affidavit for the purposes of this Act may be sworn before a justice of the peace, a commissioner for taking affidavits or a notary public.

Oaths, who
to admin-
ister.

(2) The returning officer and election clerk shall have power to administer any oath required by this Act with respect to the election, and the deputy returning officer and poll clerk may administer any oath except such as is required to be administered to the returning officer.

No charge
for admin-
istering
oaths, etc.

(3) Every person before whom it is herein provided that an oath or affidavit may be taken, shall administer the same gratuitously. R.S.O. 1927, c. 8, s. 9.

AGENTS.

Certain per-
sons dis-
qualified
from acting
as agents.

Penalty.

10. A person who, by section 15, is disqualified and incompetent to vote, or who within eight years has been found guilty by a competent tribunal of a corrupt practice or reported for a corrupt practice by an election court, shall not act as agent for a candidate at an election, and any person violating this enactment shall incur the same penalty as if he had voted at the election. R.S.O. 1927, c. 8, s. 10.

Right of
candidates
to undertake
duties of
agent.

11. A candidate may himself undertake the duties which any agent of his, except his official agent, might have undertaken, if appointed, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act attend, except at the marking of a ballot under section 102. R.S.O. 1927, c. 8, s. 11.

Non-
attendance
of agents.

12. Where in this Act expressions are used requiring or authorizing any act to be done in the presence of the agents of the candidates, the non-attendance of any agent shall not invalidate the act done. R.S.O. 1927, c. 8, s. 12.

PERSONS NOMINATED WITHOUT CONSENT.

Non-
liability
of person
nominated
without
consent.

13. Nothing in this Act shall impose any liability upon any person nominated as a candidate or declared to be a candidate by others without his consent, unless he has afterwards given his assent to such nomination or declaration, or has been elected. R.S.O. 1927, c. 8, s. 13.

QUALIFICATION OF CANDIDATE.

14. Any person of the full age of twenty-one years and a British subject by birth or naturalization, resident in Ontario, who is not disqualified by *The Legislative Assembly Act*, or by any other Act, shall be qualified to be a candidate. Who may be candidates. Rev. Stat., c. 12.
R.S.O. 1927, c. 8, s. 14.

QUALIFICATION OF VOTERS.

WHO SHALL NOT VOTE.

15.—(1) Judges of the Dominion and Provincial Courts, clerks of the peace, Crown attorneys, and magistrates in cities and towns having a population of 5,000 and over, shall be disqualified and incompetent to vote. Who disqualified from voting.

(2) If any person mentioned in this section votes, he shall incur a penalty of \$2,000, and his vote shall be null and void. Penalty.
R.S.O. 1927, c. 8, s. 15.

16.—(1) No returning officer or election clerk shall be entitled to vote; but this provision shall not affect the duty of the returning officer to give a casting vote. Disqualification of certain officers.

(2) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any person at or in reference to the election, or for the purpose of forwarding the same, and who has received or expects to receive, either before, during or after the election, from any candidate or from any person, for acting in such capacity, any sum of money, fee, office, place or employment, or any promise, pledge or security therefor. Persons employed by candidates for reward.

(3) Subsection 2 shall not apply to any person who performs any official duty in connection with the election and who receives the fees to which he is entitled. Saving as to election officers.
R.S.O. 1927, c. 8, s. 16.

17. No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a gaol or prison undergoing punishment for a criminal offence, or is a patient in a mental hospital, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal house of refuge or house of industry. Disqualification of convicts mentally ill persons, etc.
R.S.O. 1927, c. 8, s. 17.

WHO MAY VOTE.

18. Subject to the provisions hereinafter contained, in an electoral district in which an election to the Assembly is who may vote.

held, the following persons being entered on the proper polling list, and no others shall be entitled to vote at such election:

Generally.

1. Every man and every woman who, at the time of voting,—

- (a) is of the full age of twenty-one years;
- (b) is a British subject;
- (c) is not disqualified under this Act, or otherwise by law prohibited from voting;
- (d) is and has been for a period of twelve months next preceding the day of polling a resident of and domiciled in Canada;
- (e) in the case of a city, separated town or township to which Part IV of *The Voters' Lists Act* applies, is ordinarily resident in such city, separated town or township at the date of the issue of the writ of election; or
- (f) in the case of an electoral district to which Part IV of *The Voters' Lists Act* does not apply, is and has been ordinarily resident in such electoral district for a period of two months next preceding the day of polling. R.S.O. 1927, c. 8, s. 18, par. 1; 1933, c. 13, s. 2; 1934, c. 14, s. 2.

Soldiers' franchise.

2. Every man and every woman who, at the time of tendering a vote,—

- (a) is a British subject;
- (b) is not qualified to vote under paragraph 1;
- (c) is of the full age of twenty-one years;
- (d) is not disqualified under this Act, or otherwise by law prohibited from voting;

whether he or she is or is not an Indian, enfranchised or unenfranchised, or of whole, or part Indian blood, and who

- (e) served in any country in the naval or military forces of Great Britain or Canada, or of any other British possession, or in the naval or military forces of any of the allies

of Great Britain in the late war with Germany;
and

- (f) is an inmate or patient or employed and resident in any military hospital or institution for the reception, treatment or training of persons who have so served, or in any hospital or institution for the blind or deaf or eleemosynary institution situated in the electoral district

and there shall be entered on every list prepared under this Act opposite the name of any person so qualified, the letters "S.F." (Soldiers' Franchise).

3. In territory without municipal organization every man and every woman who, at the time of tendering a vote,—
Territory without municipal organization

- (a) is of the full age of twenty-one years;
(b) is a British subject;
(c) is not disqualified under this Act, or otherwise by law prohibited from voting;
(d) is and has been for a period of twelve months next preceding the day of polling, a resident of and domiciled in Ontario;
(e) is at the time of voting a resident of and domiciled in the electoral district. R.S.O. 1927, c. 8, s. 18, pars. 2 and 3.

Change of Residence Within Two Months of Polling.

19.—(1) Notwithstanding anything hereinbefore contained a person who was a resident in, and is entered on the list prepared for any polling subdivision or polling place in an electoral district, or who would have been entitled to be so entered had he remained a resident in such electoral district, and who has removed from such electoral district in the course of his ordinary profession, occupation or calling, and has become a resident of and is domiciled in another electoral district and any person ordinarily resident with such first mentioned person as a member of his family or household who has so removed with such first mentioned person, shall be entitled to be entered on the list of voters, in such last mentioned electoral district by the revising officer, or by the judge as the case may be, upon filing with the revising officer, or judge an affidavit (Form 3) and producing such other evidence that he was so entered or entitled to be so
Removal from one electoral district to another.

entered and that such removal was solely for the purpose of carrying on such profession, occupation or calling, as the revising officer, or judge may deem necessary.

Certificates.

(2) The revising officer, or judge shall give to every person entered upon the list under subsection 1, a certificate in writing (Form 4).

Entry after
name of
person so
added to
list.

(3) After the name of every person entered on the list under subsection 1, the revising officer, or judge shall write "entered under R.S.O. 1937, chapter 8, section 19."

Production
of certificate
at poll.

(4) A person whose name is entered on the list under this section shall not be entitled to vote unless at the time of tendering his vote he produces to the deputy returning officer the certificate mentioned in subsection 2. R.S.O. 1927, c. 8, s. 19.

Application
of section.

(5) The provisions of this section shall not apply where voters' lists are prepared as provided for in Part IV of *The Voters' Lists Act*. 1933, c. 13, s. 3.

Occasional or Temporary Absence.

Occasional
or temporary
absence
when not to
disqualify.

20. A person may be resident in a municipality within the meaning of this Act, notwithstanding occasional or temporary absence, or absence as

- (a) a member of a permanent militia corps enlisted for continuous service, or a member of the active militia;
- (b) serving in the naval or military forces of Canada or Great Britain or of an ally of Great Britain against the King's enemies, or as a nurse or nursing sister, or in any other capacity with such forces;
- (c) a student in attendance at an institution of learning in the Dominion of Canada;
- (d) a mariner within the meaning of this Act,

and such absence shall not disentitle him to be entered on any voters' list or to vote. R.S.O. 1927, c. 8, s. 20; 1929, c. 5, s. 3.

British Subjects—Naturalization.

Naturaliza-
tion of men.

21.—(1) A man who was not on the 12th day of April, 1917, a British subject, shall not be entitled to be entered on the list and to vote at an election unless he has since become naturalized as a British subject. R.S.O. 1927, c. 8, s. 21 (1).

(2) A woman shall be deemed to be a British subject by birth or naturalization within the meaning of this Act, so as to entitle her to vote,—

When
women
to be
deemed
British
subjects.

- (a) if she was born a British subject and is unmarried or married to a British subject, and has not become a subject of any foreign power or a citizen of any foreign state; or
- (b) if she was naturalized in her own right prior to the 12th day of April, 1917, as a British subject, or if she has since become naturalized under the laws of the Dominion of Canada or of Great Britain, and has not become a subject of any foreign power or a citizen of any foreign state;
- (c) if she has become a British subject by the naturalization as a British subject of her parent while she was a minor, and has not become a subject of any foreign power or a citizen of any foreign state;
- (d) If she is married to, or being a widow, is the widow of a British subject and since such marriage has not done any act to cause herself to become a subject of any foreign power or a citizen of any foreign state,

and no woman shall be entitled to be entered on the list of voters or to vote unless so qualified. R.S.O. 1927, c. 8, s. 21 (2); 1935, c. 21, s. 2 (1).

(3) For the purposes of this section the statements of any person claiming to be a British subject shall be *prima facie* evidence of the facts stated. 1935, c. 21, s. 2 (2).

Evidence
of facts.

(4) Subsections 1 and 2 shall not apply to any person qualified to vote under paragraph 2 of section 18. R.S.O. 1927, c. 8, s. 21 (3).

Exceptions
as to
soldiers'
franchise.

Indians.

22.—(1) A person who is an unenfranchised Indian of whole or part Indian blood and residing or having his domicile among Indians, or on an Indian reserve, shall not be entitled to have his name entered on the list of voters or to vote unless such person has served in any country in the naval or military forces of Great Britain or Canada, or of any other British Dominion or possession, or in the naval or military forces of any of the allies of Great Britain in the late war with Germany and her allies.

Indians—
when dis-
qualified.

Special oath.

(2) A person alleged by a candidate or by the representative of a candidate to be an Indian or a person of whole or part Indian blood and disqualified from voting under subsection 1, if required by the candidate or his agent or by the deputy returning officer, shall take one of the following oaths in addition to the oath required to be taken by a voter,—

You swear (*or solemnly affirm*) that you are not an Indian or a person having part Indian blood;

or at his option

You swear (*or solemnly affirm*) that you are an enfranchised Indian;

or at his option

You swear (*or solemnly affirm*) that you do not reside nor is your domicile among Indians or on an Indian reserve;

or at his option

You swear (*or solemnly affirm*) that you served against the King's enemies in the late war with Germany and her allies.

Preparation
of lists on
reserves.

(3) The territory included in an Indian reserve shall be deemed territory without municipal organization, and the lists shall be prepared for such reserve in the manner provided by Part V of *The Voters' Lists Act*. R.S.O. 1927, c. 8, s. 22.

Rev. Stat.,
c. 7.

PROCEEDINGS PRELIMINARY TO ELECTIONS.

DATES FOR NOMINATION AND POLLING.

Appoint-
ment of day
for holding.

23.—(1) Where an election is to be held the Lieutenant-Governor in Council may appoint a day, not more than sixty nor less than twenty-five days after the date of the writs of election, for the nomination of candidates and the seventh day after the nomination day shall be the day on which polling shall take place where a poll is granted. R.S.O. 1927, c. 8, s. 23 (1); 1933, c. 13, s. 4.

Date to be
same in all
electoral
districts.

(2) In the case of a general election the nominations shall be held on one and the same day for all electoral districts and the respective days for the nomination and for the polling shall be stated in the proclamation for the election.

(3) The writs for a general election shall be dated on the same day. Writs to bear date on same day.

(4) A writ of election shall state the respective days for the nomination and for the polling, and need not name a return day, but shall be returnable forthwith after the execution thereof. R.S.O. 1927, c. 8, s. 23 (2-4). Writs to state dates of nomination and polling.

24. Notwithstanding any of the provisions of this Act or the regulations, the Clerk of the Crown in Chancery may immediately after the direction of a writ of election to a person named therein as returning officer, notify such person by telegraphic communication that a writ of election has been directed to him, and such person is hereby empowered to perform any duties prescribed by this Act or *The Voters' Lists Act* although he has not actually received the said writ. 1933, c. 13, s. 5. Notification of appointment as returning officer.

FORMS, ETC

Papers and Forms to be sent by Clerk of Crown in Chancery to Returning Officer.

25.—(1) Before any general or other election, the Clerk of the Crown in Chancery shall procure to be printed in conspicuous characters a notice as to secrecy (Form 6) and shall transmit by post to the returning officer of every electoral district, such number of copies as he may deem sufficient to supply every deputy returning officer with five copies, and the deputy returning officer shall post up one copy in a conspicuous place outside the polling place, and one in a conspicuous place within the polling place, and he shall see that they remain so posted up from the opening to the close of the poll. Notices as to secrecy to be sent to returning officers before election.

(2) The notice may be separated from or added to the directions for the guidance of voters in voting (Form 5). R.S.O. 1927, c. 8, s. 24 (1, 2). Notice may be separate.

(3) The Clerk of the Crown in Chancery shall also procure from the King's Printer the forms, other than the proclamation of the nomination, prescribed by this Act, or by Part IV of *The Voters' Lists Act*, for each electoral district in sufficient number for the requirements of the election, the label mentioned in subsection 2 of section 146 and such stationery as may be necessary and shall send the same to the returning officer forthwith after the issue of the writ. R.S.O. 1927, c. 8, s. 24 (3); 1933, c. 13, s. 6. Supply of forms by King's Printer
Rev. Stat., c. 7.

Supply of
poll books
and forms

26. Immediately after the issue of the writ, the Clerk of the Crown in Chancery shall supply the returning officer with a sufficient number of blank poll books (Form 7) for the purposes of the election having regard to the number of polling places within the electoral district containing the following blank forms:—

1. Commission of deputy returning officer;
 2. Oath of deputy returning officer;
 3. Commission of poll clerk;
 4. Oath of poll clerk;
 5. Oath of secrecy;
 6. Schedule for "Notes of objections" to ballot papers under section 115;
 7. Statement of the poll after counting the ballot papers;
 8. Ballot paper account;
 9. Oath of deputy returning officer after closing the poll;
 10. Oath of poll clerk after closing poll;
 11. Certificate of returning officer for outside voters.
- R.S.O. 1927, c. 8, s. 25.

Transmis-
sion to
returning
officers of
copies of
this Act.

27. There shall be transmitted to the returning officer with the writ of election, such number of copies of this Act and of any Acts amending the same, as will be sufficient to supply him and each deputy returning officer with one copy at least, and every copy shall contain an alphabetical index. R.S.O. 1927, c. 8, s. 26.

RETURNING OFFICERS.

Appoint-
ment of
returning
officer.

28. A commission shall not be required for the appointment of a returning officer, but the direction of a writ of election to a person named therein as returning officer shall be a sufficient appointment. R.S.O. 1927, c. 8, s. 27.

Writ for
elections
to whom
addressed.

29. Every writ of election shall be addressed to some person, being a British subject of the full age of twenty-one years and a resident of the electoral district or of a local municipality any portion of which is included in the electoral district. R.S.O. 1927, c. 8, s. 28.

30. If the person to whom the writ is addressed dies or ^{Refusal or} refuses to act, or is absent or incapacitated or unable from ^{incapacity} to act, any cause to act, the Lieutenant-Governor in Council may appoint some other person to be returning officer. R.S.O. 1927, c. 8, s. 29.

31. If a writ has been issued to a person whose appoint- ^{Where}ment is afterwards superseded or to a person in whose stead ^{appointment} a returning officer has been appointed under the provisions ^{is subse-} of section 30, a new writ may be issued or the new returning ^{quently} officer may act under the writ already issued as if the same ^{superseded} had been addressed to him, and the validity of the proceedings had or taken under the first appointment shall not be affected by the new appointment; but the new returning officer may appoint a new election clerk and new deputy returning officers, if he thinks fit, in place of the persons, if any, appointed to such offices by the person previously named as returning officer. R.S.O. 1927, c. 8, s. 30.

32.—(1) None of the persons hereinafter mentioned shall ^{Persons} be appointed or shall act as returning officer, deputy returning ^{excluded} officer, election clerk or poll clerk,— ^{from being} ^{returning} ^{officer, etc.}

- (a) Members of the Executive Council;
- (b) Members of the Parliament of Canada or of the Assembly;
- (c) Ministers, priests or ecclesiastics under any form or profession of religious faith or worship;
- (d) Judges of Dominion or Provincial Courts;
- (e) Persons who have served as members of the Assembly in the session next preceding the election, or in the then present session, if the election takes place during a session of the Assembly;
- (f) Persons who have at any time been found guilty by a competent tribunal of or reported by an election court for corrupt practices.

(2) If any such person acts as returning officer, deputy ^{Penalty.} returning officer, election clerk, or poll clerk, he shall incur a penalty of \$200.

(3) A contravention of this section shall not affect the ^{Validity of} validity of the election. R.S.O. 1927, c. 8, s. 31. ^{election not} ^{affected.}

33. None of the persons hereinafter mentioned shall be ^{Exempted} obliged to act as returning officer, deputy returning officer, ^{persons.} election clerk, or poll clerk,—

- (a) Physicians and surgeons;
- (b) Millers;
- (c) Postmasters;
- (d) Persons sixty years of age or upwards;
- (e) Persons who have previously served as returning officers. R.S.O. 1927, c. 8, s. 32.

Penalty
for refusal
to act.

34. Every person not disqualified by this Act, who refuses to perform the duty of returning officer after having received the writ of election, shall incur a penalty of \$200; unless, having a right to claim the exemption conferred by section 33, he has claimed exemption by letter setting forth the grounds of such exemption and forwarded to the Clerk of the Crown in Chancery within two days next after the receipt of the writ of election. R.S.O. 1927, c. 8, s. 33.

PROCEEDINGS ON THE RECEIPT OF THE WRIT.

Endorse-
ment on
writ.

35. The returning officer shall, on receiving the writ, forthwith endorse thereon the date of its receipt. R.S.O. 1927, c. 8, s. 34.

Oath of Returning Officer.

Oath of
returning
officer.

Penalty.

36. The returning officer shall, before the nomination day, take and subscribe the oath (Form 8) and a returning officer who refuses or neglects to take and subscribe the oath, shall incur a penalty of \$40. R.S.O. 1927, c. 8, s. 35.

Proclamation by Returning Officer.

Proclama-
tion by
returning
officer.

37.—(1) The returning officer forthwith after the receipt of the writ shall by proclamation under his hand in the English language (Form 9) declare,—

- (a) the place and time fixed for the nomination of candidates;
- (b) the day on which the poll for taking the votes of the voters is to be held in case a poll is granted;
- (c) the polling places fixed by him and the territorial limits to which they respectively apply;
- (d) the time when and the place where he will add up the number of votes given to the several candidates. R.S.O. 1927, c. 8, s. 36 (1).

(2) The proclamation shall be posted up in the electoral district at least five days before the nomination day, neither the last day of posting up nor the nomination day being reckoned. R.S.O. 1927, c. 8, s. 36 (2); 1933, c. 13, s. 7.

When
proclama-
tion to be
posted up.

38. The place for the nomination of candidates shall be the court house, city or town hall or some other public or private building in the most central or the most convenient place for the majority of the voters of the electoral district, and the time appointed for the nomination of candidates shall be from one o'clock until two o'clock in the afternoon of the day fixed for that purpose. R.S.O. 1927, c. 8, s. 37.

Place of
nomination.

39.—(1) The proclamation shall be posted up,—

Places of
posting up
proclama-
tion.

- (a) at every post office in the electoral district; and
- (b) at least at one other place in every polling subdivision in the electoral district;
- (c) in a city or town divided into wards, at the city or town hall and in some other public place in each ward in the electoral district;
- (d) in other local municipalities, at the town hall or other place where the meetings of the municipal council are held.

(2) In territory without municipal organization the proclamation shall be posted up in some public place in the neighbourhood of each place at which a poll is to be held.

In territory
without
municipal
organization.

(3) The proclamation shall be posted up in a conspicuous place and the returning officer may post the same on public or private property as he deems necessary. R.S.O. 1927, c. 8, s. 38.

May be
posted on
public or
private
property.

40. A returning officer refusing or neglecting to cause the proclamation to be posted up as prescribed by this Act shall incur a penalty of \$200. R.S.O. 1927, c. 8, s. 39.

Penalty.

41.—(1) Where from any cause the proclamation could not be posted up so as to leave the required delay between the posting up and the nomination day or the returning officer is unable to hold the nomination on the day fixed for that purpose, he may by proclamation under his hand fix another day for the nomination which shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day.

Unforeseen
delays pro-
vided for.

Form of
proclama-
tion.

(2) The proclamation shall be in the like form and shall be posted up in the like manner as provided in section 37. R.S.O. 1927, c. 8, s. 40 (1, 2).

Polling day.

(3) The polling day shall be the seventh day after nomination day. R.S.O. 1927, c. 8, s. 40 (3); 1933, c. 13, s. 8.

Postpone-
ment, report
as to cause.

(4) The returning officer shall, with his return, make to the Clerk of the Crown in Chancery, a report of the cause which occasioned the postponement of the election. R.S.O. 1927, c. 8, s. 40 (4).

Communi-
cation with
Pelee Island
and Amherst
Island may
be by
telephone.

42. Where an election for an electoral district of which Pelee Island or Amherst Island forms part is to be held between the months of October and April, and the Lieutenant-Governor in Council is satisfied that communication and travel between Pelee Island or Amherst Island and the mainland is likely to be dangerous or to be interrupted he may direct that all necessary instructions and information relating to the election be transmitted by telephone, including information as to the number of votes given for each candidate and as to all other matters relating to the election, so as to enable the returning officer to return the candidate having the majority, or to make such other return as the case requires, and the Lieutenant-Governor in Council may make such order for carrying out the provisions of this section as to him may seem proper. R.S.O. 1927, c. 8, s. 41.

Election Clerk.

Appoint-
ment of an
election
clerk.

43.—(1) The returning officer, by a commission under his hand (Form 10), shall, before nomination day, appoint a person having the like qualifications as are required in the case of a returning officer to be his election clerk.

Case of
death or
default of
election
clerk pro-
vided for.

(2) The returning officer may at any time during the election in the same manner appoint another election clerk if the one so appointed dies or refuses or neglects or is unable to perform his duties.

Duties of
election
clerk.

(3) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or refuses or is disqualified or unable to perform his duties and has not been replaced by another, shall act in his stead as returning officer. R.S.O. 1927, c. 8, s. 42.

Oath of
election
clerk.

44. The election clerk shall, before entering upon his duties, take and subscribe the oath (Form 11). R.S.O. 1927, c. 8, s. 43.

45. A person appointed election clerk, who refuses to accept the office, or who, having accepted it, refuses or neglects to take and subscribe the oath, or to perform the duties of an election clerk, shall incur a penalty of \$40. R.S.O. 1927, c. 8, s. 44. Penalty for refusing to act.

46. The appointment and oath of an election clerk shall be either endorsed on or attached to the writ. R.S.O. 1927, c. 8, s. 45. Appointment and oath to be on writ.

47. An election clerk whose duty it becomes to act in the stead of the returning officer shall be subject to the same penalties as the returning officer for his neglect or refusal to perform the duties and to all the obligations of that office, in like manner as if he had been appointed returning officer, and shall not be required to possess any other qualification or to take the oath (Form 8). R.S.O. 1927, c. 8, s. 46. Duties and liabilities when acting as returning officer.

Ballot Boxes.

48.—(1) The returning officer shall, on receiving the writ, provide as many ballot boxes as there are polling places within the electoral district. Ballot boxes to be furnished.

(2) The ballot box shall be made of durable material, provided with lock and key, and so constructed that the ballot paper can be deposited therein, and cannot be withdrawn without unlocking the box. How made.

(3) If the returning officer fails to provide the ballot boxes, he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide. R.S.O. 1927, c. 8, s. 47. Penalty on failure to furnish boxes.

49. The property in the ballot boxes, ballot papers, marking instruments, books, papers and documents procured for or used at an election, shall be in His Majesty. R.S.O. 1927, c. 8, s. 48. Property of the Crown.

50. Where it becomes necessary to use the ballot boxes, the returning officer, two days at least before the polling day, shall deliver one ballot box to every deputy returning officer. R.S.O. 1927, c. 8, s. 49. Delivery of ballot boxes to deputy returning officers.

51. A deputy returning officer who has not been supplied with a ballot box within the time prescribed in section 50, shall forthwith procure one to be made. R.S.O. 1927, c. 8, s. 50. Duty of deputy returning officer as to ballot box.

Return of
ballot boxes
to municipal
clerks and
clerk of
peace.

52. After the close of the election the returning officer shall deliver the ballot boxes used in the election to the several clerks of the municipalities in the electoral district and to the clerk of the peace in the case of territory without municipal organization, and the boxes shall be preserved by them for use at future elections. R.S.O. 1927, c. 8, s. 51.

Polling Subdivisions.

When re-
turning
officer to
make
division.

53.—(1) In the case of failure of the council to divide a municipality into polling subdivisions, the returning officer shall make the division.

When
council
has divided
municipality.

(2) Where the council has divided the municipality into polling subdivisions the returning officer shall not be required to make any change in the boundaries of a polling subdivision. R.S.O. 1927, c. 8, s. 52.

Polling Places.

Polling
places in
each polling
subdivision.

54.—(1) Subject to the provisions of subsection 3 of this section, and sections 55 and 56, the returning officer, on receiving the writ, shall fix and provide at least one polling place for each polling subdivision in the most central or most convenient place for the voters.

(a) Where the board approves, such polling place may be provided outside the limits of the polling subdivision.

Additional
polling
places in
discretion of
returning
officer.

(2) A returning officer may in his discretion, grant such additional polling places in any polling subdivision as the extent of the subdivision and the remoteness of any body of its voters from the polling place render necessary.

Union of
polling sub-
divisions
in cities.

(3) The returning officer may unite two or more adjoining polling subdivisions and fix one polling place for the united subdivisions.

Polling
place not to
be a tavern.

(4) The building in which the poll is held shall not be a tavern or place of public entertainment, and there shall be free access to the poll for every voter.

Additional
polling
places.

(5) Where a polling subdivision contains a greater number of voters than may conveniently vote at one polling place, the returning officer, with the approval of the board, may provide one or more additional polling places in the same building or near to one another, having regard to the total number of voters in the polling subdivision.

(6) Where there are two or more polling places in a sub-division each polling place shall be designated by the initial letters of the surnames of the voters who are to vote in such polling place, in the following manner, that is to say, from A to M inclusive, and from N to Z inclusive, or as may be determined by the returning officer.

Division to be according to initial letter of voters' names.

(7) Every voter the initial letter of whose surname is included within the letters of the alphabet designating a polling place shall vote in the polling place so designated. R.S.O. 1927, c. 8, s. 53 (1-8).

Where voters to vote.

(8) The returning officer shall appoint a deputy returning officer for each such polling place, and deliver to him in due time a polling list to be prepared by the clerk of the peace or the clerk of the municipality as the case may be in the manner hereinafter provided, containing the names of all voters on the proper list of voters for the polling subdivision; provided that where the lists are prepared under the provisions of Part IV of *The Voters' Lists Act*, the returning officer shall deliver to each deputy returning officer for each polling division such list so prepared and certified to be the official list for the polling division, R.S.O. 1927, c. 8, s. 53 (9); 1933, c. 13, s. 9.

Appointment of deputies for additional polling places.

Polling lists under Part IV. The Voters' Lists Act to be furnished. Rev. Stat., c. 7.

(9) Where a village has been incorporated including portions of two townships lying in different electoral districts, the board of the county or district in which the village or the larger part of the village is situate shall divide the village into two polling subdivisions and shall include the territory in each electoral district in a polling subdivision, and the board may give such directions to the clerk of the village as it may deem necessary for the separating of the names of the voters in one polling subdivision from the names of voters in the other and for distinguishing between the two classes of names in the voters' list of the village, and the clerk of the peace shall prepare a separate polling list for each of such polling subdivisions. R.S.O. 1927, c. 8, s. 53 (10).

Where village includes portions of two townships in different electoral districts.

55.—(1) The returning officer shall provide a proper building for a polling place and shall see that the same is furnished with light and heat and such other accommodation and furniture as may be required.

Returning officer to provide polling places.

(2) A polling place may be situate in a school house, hall or other public building or on private property, or the returning officer may purchase or construct tents or portable booths or moveable structures and without charge may set up or

Where polling places may be situate.

erect the same in any street, lane or vacant lot. R.S.O. 1927, c. 8, s. 54 (1, 2).

Number
and location
of polls.

(3) The number and location of the polling places shall in all cases be subject to the approval of the board and the chairman of the board shall certify in writing that the number of polling places and their location are necessary and proper.

Cost of
unnecessary
poll.

(4) Where it is found that the returning officer has established a polling place which is unnecessary to accommodate the voters and that such polling place has not been approved by the board, the cost to the Province of establishing such poll and the conduct of the polling thereat shall be borne by the returning officer and deducted from his fee. 1929, c. 5, s. 4.

Amount
payable
for polling
places.

(5) The sum of \$8 for every building or part of a building used as a polling place and an additional sum of \$4 for every additional polling place situate in the same building shall be payable by the returning officer to the persons entitled thereto. R.S.O. 1927, c. 8, s. 54 (4).

Polling Places at Soldiers' Hospitals.

Polling
places on
premises of
hospitals,
etc.

56.—(1) Wherever in any electoral district there is situate a home or hospital or other institution for the reception, treatment or vocational training of disabled soldiers or sailors, a polling place shall be provided in such institution or upon the premises, and for the purpose of polling the institution shall be deemed to be a polling place and every inmate or other person resident in such institution, who is entered on the polling list, shall vote at such polling place.

Incapaci-
tated
patients or
inmates.

(2) Where a patient or other inmate of such institution is bed-ridden or is unable to walk, it shall be lawful for the deputy returning officer and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot, but a candidate shall not be present where the ballot of any such voter is marked under section 100. R.S.O. 1927, c. 8, s. 55.

Voting Compartments.

Compartment
for
voters to
mark
ballots.

57. Every polling place shall be furnished with compartments in which a voter may mark his ballot paper without any other person being able to see how the same is marked, and it shall be the duty of the returning officer and the deputy returning officer respectively to see that a sufficient number of compartments is provided at each polling place. R.S.O. 1927, c. 8, s. 56.

NOMINATION.

PROCEDURE BY RETURNING OFFICER.

58.—(1) The returning officer, at the time and place fixed for the nominations shall, in the English language, make or cause to be made, in the presence of the voters there assembled, a proclamation (Form 12), and read or cause to be read publicly, the writ of election, and his commission as returning officer when he has been appointed by commission, and shall then call for nominations or further nominations to be made in writing in the manner hereinafter set out.

Proceedings
of the
returning
officer on
the day of
nomination.

(2) The nomination shall be by writing (Form 13), signed by at least one hundred duly qualified electors of the electoral district, and stating the name, residence and legal addition, occupation or description of the person proposed in such manner as sufficiently to identify him, and a person shall be deemed to be a duly qualified elector if he is qualified to be entered on the list of voters as entitled to vote at the election.

Nomination
to be in
writing.

(3) Each candidate shall be nominated by a separate nomination paper and a duly qualified elector may sign the nomination papers of different candidates.

Separately
for each
candidate.

(4) The nomination paper may be produced to and filed with the returning officer at the time and place fixed by the proclamation, or on either of the two days next preceding that on which the meeting for the nomination of candidates is to be held.

When to be
filed.

(5) The nomination paper shall be accompanied by the consent in writing of the person therein nominated, except where such person is absent from Ontario, when such absence shall be stated in the nomination paper.

Consent of
candidate
in writing.

(6) Where the nomination paper is filed with the returning officer not later than half-past one of the clock in the afternoon on the day fixed by the proclamation for holding the nomination meeting by the candidate or his agent, he shall, if requested, then and there examine the same, and if satisfied of the regularity thereof and that it is signed by the proper number of duly qualified electors, he shall so certify in writing, and his certificate shall be final and the validity of the nomination shall not be open to question upon any ground whatever. R.S.O. 1927, c. 8, s. 57.

Certificate
of returning
officer
as to
regularity.

(7) The returning officer shall not reject any nomination paper which is received before the time fixed for the close of

Imperfect
nomination
paper.

nomination in the proclamation of the returning officer and which is signed by at least one hundred persons purporting to be residents of and electors in the electoral district, and if any nomination paper appears to the returning officer for any reason to be invalid he shall not reject the same until he has communicated the facts to the Chief Election Officer and the Chief Election Officer has in writing signed by him, authorized such rejection, and for the purposes of communicating with the Chief Election Officer the returning officer shall adjourn the proceedings until the hour of one o'clock on the next day following, when he shall at the same place announce the decision of the Chief Election Officer. 1929, c. 5, s. 5.

WHEN POLL TO BE GRANTED.

Grant of
poll.

59. If more candidates than are required to be elected are nominated the returning officer shall grant a poll for taking the votes, and if he refuses or neglects to do so he shall incur a penalty of \$1,000, and if he declares any candidate to be elected the election shall be void. R.S.O. 1927, c. 8, s. 58.

ELECTION BY ACCLAMATION.

If only one
candidate
proposed
within an
hour, he to
be declared
elected.

60. If no more candidates are nominated than are required to be elected, or if by the withdrawal of persons nominated there remain no more candidates than are required to be elected, the returning officer, at the expiration of the time in which nominations may be received shall close the election, and openly proclaim the person or persons so chosen to be duly elected. R.S.O. 1927, c. 8, s. 59.

OFFICIAL AGENTS OF CANDIDATES.

Returning
officer to
publish
names and
addresses
of agents.

61. The returning officer shall announce at the place and on the day of nomination and on or immediately after the day of nomination, shall publish, at the expense of the candidates, the names and addresses of their official agents in a newspaper, published or circulated within the electoral district. R.S.O. 1927, c. 8, s. 60.

WITHDRAWAL OF CANDIDATES.

With-
drawal of
candidate
after
nomination.

62.—(1) A candidate may withdraw at any time after his nomination and before the opening of the poll, by delivering to the returning officer a declaration in writing (Form 14), to that effect signed by himself in the presence of a subscribing witness, and any votes cast for a candidate who has so withdrawn shall be null and void, and if, after the withdrawal, there remain but one candidate, the returning officer shall return as duly elected the candidate so remaining.

(2) In the case of a candidate withdrawing where there are ^{With-}more than two candidates, the returning officer shall, ^{drawal of}if possible, cause every deputy returning officer to be notified ^{candidate.}forthwith of the withdrawal and notice of the withdrawal shall be posted up in a conspicuous place in every polling place in the electoral district. R.S.O. 1927, c. 8, s. 61.

DEATH OF CANDIDATE.

63. If a candidate dies after being nominated and before ^{Death of}the close of the poll, the returning officer shall fix new days ^{candidate.}for the nomination of candidates, and for polling, and the nomination day shall be the nearest day practicable, after allowing the required delay between the posting up of the proclamation and the nomination day, and, with his return, he shall make to the Clerk of the Crown in Chancery a report of the cause which occasioned the postponement of the election. R.S.O. 1927, c. 8, s. 62.

PROCLAMATION OF NAMES OF DEPUTY RETURNING OFFICERS.

64. Where a poll has been granted, the returning officer, ^{Returning}immediately after having granted a poll, and before adjourn- ^{officer to}ing his proceedings, shall publicly proclaim at the place of ^{proclaim}nomination as far as practicable the names of the deputy ^{names of}returning officers, and shall on the written request of a ^{deputy}candidate furnish him with a list of the deputy returning ^{returning}officers showing the polling place at which each deputy ^{officers.}returning officer is to act. R.S.O. 1927, c. 8, s. 63.

POLLING.

PROCEEDINGS PRELIMINARY TO THE POLL.

Deputy Returning Officers.

65.—(1) The returning officer by a commission under ^{Appoint-}his hand (Form 15), shall appoint a deputy returning officer ^{ment of}for every polling place. ^{deputy}
^{returning}
^{officers}

(2) No person shall be so appointed who is not a voter in ^{Deputy}the local municipality wherein the polling place for which ^{returning}he is appointed is situate, or, in the case of territory without ^{officer to be}municipal organization, who is not a voter in the electoral ^{a voter in}district. ^{local muni-}
^{cipality.} R.S.O. 1927, c. 8, s. 64.

66. Every deputy returning officer, before acting, shall take ^{Oath of}and subscribe the oath (Form 16). R.S.O. 1927, c. 8, s. 65. ^{office, etc}

Penalty for refusing to perform duties of office.

67. A person appointed a deputy returning officer who refuses to accept the office, or who, after having accepted it, refuses or neglects to take and subscribe the oath or to perform the duties of a deputy returning officer, shall incur a penalty of \$100. R.S.O. 1927, c. 8, s. 66.

Death or absence of deputy returning officer.

68. In case of the death, illness or absence of a deputy returning officer or of his refusal or neglect to act, the returning officer may, in the manner hereinbefore provided, appoint another deputy returning officer to act in his stead; and the appointment and oath of the person so appointed shall be endorsed upon or attached to the poll book. R.S.O. 1927, c. 8, s. 67.

Polling Places in Unorganized Territory.

Polling places in districts.

69. In territory without municipal organization, polls shall be held at such places as may be fixed by the chief enumerator, subject to the approval of the board. R.S.O. 1927, c. 8, s. 68.

Municipality without assessment roll.

70. Territory comprised within a newly organized municipality for which there is no assessment roll shall be deemed to be territory without municipal organization within the meaning of section 69. R.S.O. 1927, c. 8, s. 69.

Materials to be furnished to Deputy Returning Officer.

Supplies to be furnished by returning officer.

71. The returning officer shall deliver to each deputy returning officer, two days at least before the polling day, a blank poll book, forms of oaths to be administered to voters, envelopes and sealing-wax, and a screen, if one is required. R.S.O. 1927, c. 8, s. 70.

Ballot Papers.

Weight of paper.

72.—(1) The paper used for printing the ballot papers shall be of the following weight; if foolscap paper is used it shall be of a weight of not less than sixteen pounds to the ream; if large post paper is used it shall be of a weight of not less than twenty-five pounds to the ream.

Paper to show secret marking.

(2) The paper used shall contain a secret thread or other mark so placed as to run through each column of ballots ruled on every sheet of the ballot paper furnished.

Security to be furnished by manufacturer.

(3) The manufacturer of the paper shall be required to furnish security in such amount as may be fixed by the Lieutenant-Governor in Council, that none of the paper manufactured for use in printing the ballots shall be supplied by him to any other person than the King's Printer, and upon

the delivery of the paper the number of sheets shall be counted by the King's Printer and a receipt therefor in writing signed by the King's Printer shall be given to the manufacturer.

(4) The paper required for the printing of the ballot papers shall be furnished to the Clerk of the Crown in Chancery by the King's Printer from time to time as may be required, and the King's Printer and the Clerk of the Crown in Chancery shall check the number of sheets of ballot paper so furnished and the Clerk of the Crown in Chancery shall give to the King's Printer a receipt in writing signed by him.

King's
Printer to
furnish
paper to
Clerk of the
Crown in
Chancery.

(5) The Clerk of the Crown in Chancery shall personally deliver or transmit by express in a box or boxes locked and sealed with his seal to the returning officer for each electoral district a sufficient number of sheets of the paper for the printing of the ballots and the returning officer shall upon receipt of the same count the sheets and forward his receipt therefor (Form 18) to the Clerk of the Crown in Chancery.

Supply to
be furnished
to returning
officer.

(6) The returning officer shall procure to be printed on the paper furnished to him, as hereinafter provided, a sufficient number of ballot papers, not being less than the total number of voters in the electoral district.

Returning
officer to
see to
printing of
ballots.

(7) The printer shall count the sheets of ballot paper delivered to him and shall give a receipt therefor (Form 19) to the returning officer, and the returning officer shall transmit the same with the other papers relating to the election to the Clerk of the Crown in Chancery.

Returning
officer to
give receipt
for ballot
paper.

(8) The names of the candidates, alphabetically arranged in the order of their surnames, shall be printed on the ballot paper, and it shall be provided with a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form 17.

Form of
ballot.

(9) The ballot papers shall be numbered on the back of the stub and the counterfoil, the same number being printed or written on the stub as on the counterfoil, and shall be bound or stitched in books containing twenty-five, fifty or one hundred ballot papers, as may be most suitable for supplying the polling subdivisions proportionately to the number of voters in each.

Numbering
ballot
papers.

(10) All ballot papers shall be of the same description and as nearly alike as possible.

Uniformity.

(11) The ballot papers shall bear upon the back the name of the printer who prints them.

Printer's
name.

Affidavit
of printer

(12) The printer shall with the ballot papers deliver to the returning officer an affidavit (Form 20). 1929, c. 5, s. 6.

Supply to
deputy
returning
officer.

73. The returning officer shall furnish each deputy returning officer with a sufficient number of ballot papers to supply the voters on the polling list of his polling place or polling subdivision, and a certificate of the number of ballot papers with the necessary materials for voters to mark their ballot papers, and he shall when delivering the same make a record of the numbers on the ballots delivered to each deputy returning officer and this record shall be returned to the Clerk of the Crown in Chancery along with other documents required to be returned to him. R.S.O. 1927, c. 8, s. 72; 1929, c. 5, s. 7.

Copies of
directions
to voters for
deputy
returning
officers.

74.—(1) The returning officer shall furnish each deputy returning officer with at least three copies of the printed directions (Form 5), for the guidance of voters in voting, and the deputy returning officer shall, before or at the opening of the poll, on the day of polling, cause such printed directions to be posted up in conspicuous places outside of the polling place, and also in each compartment of the polling place. R.S.O. 1927, c. 8, s. 73.

Receipt to
be given
by deputy
returning
officer.

(2) Immediately upon receipt of the ballot papers from the returning officer, the deputy returning officer shall count the same and forward the receipt therefor (Form 21) to the returning officer. 1929, c. 5, s. 8.

Custody of
ballot
paper.

75. The Clerk of the Crown in Chancery shall cause a check to be made before each general election and at least once in every year, of all ballot paper furnished to him and such paper shall be kept at all times under lock and key and no one shall have access to the place in which it is kept except the Clerk of the Crown in Chancery or some person acting directly under his authority. 1929, c. 5, s. 9.

Preparation of Polling Lists by Clerk of the Peace.

Polling lists.

76.—(1) Every returning officer upon granting a poll shall forthwith obtain from the clerk of the peace a sufficient number of copies of the polling list for each polling subdivision in the electoral district to provide one copy for the use of the returning officer, one copy for each of the deputy returning officers and six copies for each of the candidates at the election, and the polling list shall contain the names of all persons qualified to vote at the election in that polling subdivision and no other and the returning officer shall immediately cause the polling lists and copies to be delivered to the deputy returning officers and candidates respectively.

- (a) Except where the Chief Election Officer otherwise directs the clerk of the peace shall cause the polling lists prepared by him to be printed on one side of the paper only, and the polling list for each polling subdivision shall contain in one list the names of all persons qualified to vote at the election in that polling subdivision arranged in alphabetical order or according to street numbers where the council has so directed as provided in *The Voters' Lists Act*.

Rev. Stat.,
c. 7.

- (2) Where a returning officer, instead of subdividing a polling subdivision, provides additional polling places he shall obtain from the clerk of the peace as many polling lists as may be necessary for such additional polling places. R.S.O. 1927, c. 8, s. 74.

Lists for
additional
polling
places.

- (3) Where the Chief Election Officer so directs the clerk of the peace shall prepare for revision by the revising officers as provided in *The Voters' Lists Act*, a list, prepared alphabetically or by street numbers, containing the names of all persons entitled to vote at elections to the Legislative Assembly in the polling subdivision as shown upon Part I and Part III of the voters' list, and notwithstanding anything in *The Voters' Lists Act* contained the list so prepared shall be the list to be revised by the revising officers and shall be posted up, and revised, and certified in the same manner as lists prepared, revised and certified under *The Voters' Lists Act*.

Alphabetical
list to be
prepared by
clerk of the
peace.
Rev. Stat.,
c. 7.

- (4) To avoid expense to the municipalities concerned and to the Province, after the preparation of the list the Chief Election Officer may direct that the same shall be typewritten, set up in type and the type kept standing until after the revision and the changes made upon the revision incorporated in the list.

List to be
set up in
type.

- (5) Where the lists are prepared and set up as provided in subsections 3 and 4 it shall be the duty of the board to apportion the expense of preparing, printing and revising the same between the municipalities and the Province in such manner as the board may deem most equitable.

Apportion-
ing expenses
of preparing
list.

- (6) The lists as so prepared, revised and certified shall be the polling lists to be delivered to the deputy returning officers for use at the polling places.

Polling list.

- (7) Where it appears to the Chief Election Officer that it is impracticable to carry out any of the provisions of the preceding subsections of this section, he may cause such arrangements to be made for preparing the polling list as he

Special
directions
by Chief
Election
Officer when
necessary.

may deem proper under the circumstances, and it shall be the duty of the clerk of the peace to carry out any directions or instructions given by the Chief Election Officer under this section, but nothing in this section shall authorize any name to be placed upon or omitted from the polling list which is not contained in Part I or Part III of the voters' list prepared by the clerk of the municipality except so far as may be necessary to give effect to the changes made upon the revision of the list by the revising officer. 1929, c. 5, s. 10.

Polling lists prepared under Part IV, *The Voters' Lists Act* to be used and certified correct by the returning officer.

Rev. Stat., c. 7.

(8) In all cases where the polling lists are prepared in the manner provided by Part IV of *The Voters' Lists Act*, such lists as so prepared, revised and certified shall be the polling lists to be delivered to the deputy returning officers for use at the polling divisions and shall be the list to be used for the election, and each list so delivered to the deputy returning officers shall have endorsed thereon a certificate by the returning officer that it contains the names of all persons appearing on the polling list as finally revised by the revising officer for the polling division to which it relates, to be entitled to vote at the election in the polling division or at that polling place and no other, and notwithstanding the provisions of section 95 no person shall be entitled to vote at any election unless his name is duly entered on such polling list. 1933, c. 13, s. 10.

Certificate of clerk of peace.

77. Subject to the provisions of subsection 8 of section 76, the clerk of the peace shall add to each polling list a certificate that it contains the names of all persons appearing according to the proper voters' list to be entitled to vote at the election in that polling subdivision or at that polling place and no other names. R.S.O. 1927, c. 8, s. 75; 1934, c. 14, s. 3.

Poll Clerks.

Appointment of poll clerks.

78.—(1) The deputy returning officer shall by a commission under his hand (Form 23), appoint a poll clerk to assist him in taking the poll; and the poll clerk before acting, shall take and subscribe the oath (Form 22).

Penalty.

(2) Every person appointed poll clerk who refuses to accept the office, or who, after having accepted it refuses or neglects either to take and subscribe the oath or to perform the duties of a poll clerk, shall incur a penalty of \$40.

Poll clerk to be a voter in local municipality.

(3) No person shall be appointed poll clerk who is not a voter in the local municipality wherein the polling place to which he is appointed is situate, or, in the case of territory without municipal organization, who is not a voter in the electoral district. R.S.O. 1927, c. 8, s. 76.

79. The poll clerk shall assist the deputy returning officer in the performance of the duties of his office, and shall obey his orders. R.S.O. 1927, c. 8, s. 77. Duties of poll clerk.

80. If the deputy returning officer refuses or neglects to perform the duties of his office, or from any cause becomes unable to perform them, and if no other deputy returning officer appointed by the returning officer appears at the polling place the poll clerk, under the same penalties as are hereinbefore imposed in like cases on a deputy returning officer, shall act as deputy returning officer, and perform all the duties and be subject to all the obligations of that office, without taking the oath of a deputy returning officer. R.S.O. 1927, c. 8, s. 78. To act as deputy returning officer in certain cases.

81. Where a poll clerk acts as deputy returning officer he may appoint by a commission under his hand (Form 23), another person as poll clerk, to assist him in the performance of the duties of his office, and may administer to him the oath, and such commission and oath shall be endorsed on or attached to the poll book. R.S.O. 1927, c. 8, s. 79. Appointment of another poll clerk in such case.

82. If a poll clerk refuses or neglects to perform the duties of his office or from any cause becomes unable to perform them, the deputy returning officer may appoint another person as poll clerk, and the commission and the oath shall be endorsed on or attached to the poll book. R.S.O. 1927, c. 8, s. 80. Appointment of poll clerk in certain cases.

Constables.

83. The deputy returning officer may appoint a constable to preserve order at the polling place, but such appointment shall not be made unless the same has been authorized in writing by the returning officer or a breach of the peace or a violation of the law is threatened or anticipated. R.S.O. 1927, c. 8, s. 81. Constable at polling place.

Where Voters to Vote.

84.—(1) Subject to the provisions of section 85, if the name of a person entitled to vote is entered on the polling list for more than one polling subdivision he shall vote only at the polling place for the subdivision in which he resides at the time of the polling, if entitled to vote in such subdivision. Voter to vote in subdivision in which he resides.

(2) Subject to the provisions of section 85, where a voters' list has been prepared under Part V of *The Voters' Lists Act*, every person named therein may vote at the polling place on the list for which he is entered and not elsewhere. Where voter to vote in unorganized territory. Rev. Stat., c. 7.

Penalty.

(3) A person who votes in contravention of this section shall incur a penalty of \$200. R.S.O. 1927, c. 8, s. 82.

Deputy,
poll clerk
and agents
may vote at
polling
places
where
they are
employed.

85.—(1) The returning officer, on the request of any person entitled to vote, who has been appointed deputy returning officer or poll clerk, or agent of any of the candidates at a polling place other than the one at which he is entitled to vote, shall give to such person a certificate (Form 24), that he is entitled to vote at the polling place at which he is stationed during the polling day, and the certificate shall bear the date upon which it is signed by the returning officer.

When
certificate
for that
purpose
may be
given.

(2) The returning officer shall not give such certificate until he has ascertained by reference to the polling list that the applicant is entitled to vote and after giving such certificate he shall forthwith give notice in writing thereof to the deputy returning officer for the polling subdivision or polling place in which the applicant appears by the polling list to be entitled to vote, and the person to whom the certificate has been given shall not thereafter be entitled to vote in such polling subdivision or polling place.

At what
time.

(3) The returning officer shall not be required to give a certificate under this section unless requested to do so at least two days before polling day.

Polling
place to be
designated.

(4) The certificate shall name the polling place at which the person is to be permitted to vote.

Returning
officer to
keep a list
of persons
obtaining
certificates.

(5) The returning officer shall enter in a list the name, residence and occupation of every person to whom he gives a certificate under this section, the polling place at which such person is under the certificate authorized to vote, and the polling subdivision or polling place in or at which such person appears by the polling list to be entitled to vote and state therein whether the certificate is granted to him as deputy returning officer, poll clerk or agent, and if as agent, the name of the candidate for whom he is agent, and the entry shall be made before the certificate is delivered.

Entry of
refusal of
certificate.

(6) The returning officer shall also enter in the list the name of every person applying for a certificate to whom it was refused with the ground of refusal, and, if the last mentioned person claimed to be the agent of a candidate the name of the candidate, and the list shall be open to inspection by a candidate or by his agent or by a voter.

Limitation
of number
of certifi-
cates to
agents of
candidates.

(7) A returning officer shall not give certificates to more than two agents of the same candidate at one polling place and he shall not give a certificate under this section except

upon the personal or written request of the applicant, and a returning officer who gives a certificate in contravention of this subsection shall incur a penalty of \$400. R.S.O. 1927, c. 8, s. 83.

86.—(1) On the production of the certificate the voter shall have the right to vote at the polling place named therein; but the certificate shall not entitle a voter to vote there unless he has been actually engaged there as deputy returning officer, poll clerk, or agent during polling day, or entitle an agent to vote who is disqualified under section 16.

On production of certificate of returning officer.

(2) A person who receives a certificate, whether a deputy returning officer, poll clerk or agent, shall not vote until he has taken one or other of the oaths of qualification, and any person violating the provisions of this subsection shall incur a penalty of \$400, and every vote cast in contravention of this subsection shall be null and void.

Person receiving a certificate to take oath of qualification before voting.

(3) The oath shall be administered to a deputy returning officer by the poll clerk, and to a poll clerk or agent by the deputy returning officer.

Before whom oath to be taken.

(4) The deputy returning officer shall enter, or cause to be entered in the column for remarks in the poll book (Form 7), opposite the name, residence and occupation of every person, including himself if he so votes, voting under the authority of a certificate, the words "Voted under certificate."

Entry on list of persons voting under authority of a certificate.

(5) A person voting under the authority of a certificate shall deliver it to the deputy returning officer before receiving his ballot paper.

Certificate to be delivered to deputy returning officer by person voting.

(6) The deputy returning officer shall enclose all certificates in one envelope. R.S.O. 1927, c. 8, s. 84.

Preservation.

THE POLL.

Hours of Polling.

87.—(1) Subject to the provisions of subsection 2 the polls at every election to the Assembly shall open at eight o'clock in the forenoon and shall be kept open until seven o'clock in the afternoon of the same day and the voting shall be by ballot in the manner provided by this Act.

Hours of polling generally.

(2) Where the board deems it desirable for the convenience of workmen or of persons residing at a distance from the place at which their ordinary calling or business is carried on, that the polls should be opened in any municipality

When board may provide for earlier opening.

or electoral district at an earlier hour than eight o'clock in the forenoon the board may direct that the polls shall be opened in such municipality or electoral district at any time earlier than eight o'clock, but not earlier than six o'clock in the forenoon as the board may deem expedient. R.S.O. 1927, c. 8, s. 85.

Special Polls for Railway Employees, Sailors and Travellers.

Special polls
for railway
employees,
travellers
and sailors.

88.—(1) The Lieutenant-Governor in Council may by order declare that the following subsections of this section shall apply to any electoral district or to any municipality in an electoral district and thereafter, and while the order remains in force, polls shall be provided at an election to the Assembly or the voting upon any question submitted to the electors of Ontario for receiving the votes of railway employees, sailors and travellers whose employment is such as to necessitate their absence from time to time from their ordinary place of residence, or who have reason to believe that they will be absent upon the day fixed for polling at such election or upon such question. R.S.O. 1927, c. 8, s. 86 (1).

When polls
to be open.

(2) For the purpose of enabling such railway employees, sailors and travellers to vote, polls shall be held and kept open from eight o'clock in the forenoon until five o'clock in the afternoon, and from seven o'clock in the afternoon until ten o'clock in the afternoon on the two days immediately preceding that on which the poll is held. 1934, c. 14, s. 4 (1).

Number of
polls and
appointment
of officers.

(3) The Lieutenant-Governor in Council shall fix the number of polls to be so opened in the electoral district or municipality and the returning officer shall fix the polling places and shall appoint a deputy returning officer and poll clerk to hold each poll. R.S.O. 1927, c. 8, s. 86 (3).

Notice
of polls.

(4) Notice of the times and places at which polls shall be opened (Form 25) shall, prior to the day so fixed for holding the poll, be given by the returning officer by posting up notices at each of the polling places so appointed, and in a conspicuous place in the municipality, and where possible, by advertisement in a newspaper published in the electoral district or municipality. 1934, c. 14, s. 4 (2).

Furnishing
necessary
material
and supplies.

(5) Ballot boxes and ballot papers and a certified voters' list containing all the printed lists for the electoral district or so many as may be required for the purpose of the poll shall be supplied by the returning officer to the deputy returning officer together with poll books, forms of oath and other documents required for the purpose of the polls.

(6) Every person offering himself as a voter at the polling place before being allowed to vote shall be required by the deputy returning officer to make the following declaration, which shall be kept by the deputy returning officer with the other records of the poll: Declaration by voter.

I, _____, declare that I am at present employed by the _____ railway company. *(or as the case may be)* and that I expect in the course of my employment to be absent from my usual place of residence, on the day for holding the poll at the coming election.

Dated at _____, this _____ day of _____, 19 _____.

(Name of Voter)

Witness:

Deputy Returning Officer.

(7) Any person signing any such declaration knowing that the statements therein are false shall incur a penalty of not less than \$25 nor more than \$100. Penalty.

(8) The poll clerk shall record in the poll book in the column headed "Remarks" after the name of each person who votes a note that he has signed the declaration above set out and the number of the polling subdivision in which he is entered on the voters' list. Record of declaration.

(9) No person shall be entitled to vote unless his name appears on the last revised voters' list for the electoral district. Voter's name must be on list.

(10) The deputy returning officer and every candidate or his agent may require that the voter, before being handed a ballot, take the proper oath to be administered to a voter. Voter may be sworn.

(11) The ballot box shall not be opened after the opening of the poll until seven o'clock in the afternoon of the general polling day, but on adjourning the poll each day the deputy returning officer and any candidate or agent present who desires to do so shall affix his seal to the ballot box in such a manner that it cannot be opened or any ballot be deposited in it without breaking such seals. Procedure after close of poll.

(12) At the close of the poll the deputy returning officer shall forthwith make up and deliver to the returning officer a list of the names of all persons who have voted showing in each case the number of the polling subdivisions in which the voter is entered on the voters' list, and the returning officer shall, at the request of any candidate, furnish him with a copy of such list. List of persons who voted to be sent to returning officer.

Opening
ballot boxes
and count-
ing ballots.

(13) On polling day the deputy returning officer shall in the presence of such candidates and their agents as may be present at the hour fixed for the closing of the poll open the ballot boxes, count the votes and perform all the other duties required of deputy returning officers by this Act, sections 113 to 120, inclusive. R.S.O. 1927, c. 8, s. 86 (5-13).

Mariners Voting by Proxy.

Mariner's
right to vote
by proxy.

89.—(1) Where the name of a person is entered on the voters' list for a polling subdivision as entitled to vote at elections to the Assembly and such person is a mariner he shall be entitled to vote by proxy as in this section provided.

Appoint-
ment of
proxy.

(2) A mariner may appoint in writing (Form 26) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.

Term of
appoint-
ment.

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district and no appointment of a proxy shall be valid unless it is made after the date of the issue of the writ of election nor shall it remain in force after the return of such writ.

Application
of proxy to
be entered
on list.

Rev. Stat.,
c. 7.

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with the provisions of *The Voters' Lists Act* in the municipality in which the mariner is entitled to vote, to be entered upon such list.

Evidence to
be taken by
revising
officer.

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and if he finds that the mariner is duly qualified and that the voting proxy is qualified to act for him, he shall give a certificate across the face of the appointment of such voting proxy to that effect (Form 27), and shall cause the name of the voting proxy to be entered on the voters' list after the name of the mariner.

Not more
than one
proxy.

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at the same election.

Oath
on voting.

(7) A ballot paper shall not be delivered to a person who claims to vote as a voting proxy unless he produces his appoint-

ment as a voting proxy to the deputy returning officer with the certificate of the revising officer thereon as provided in subsection 5, and takes the oath (Form 28).

(8) The deputy returning officer shall record in the poll book the fact that the mariner voted by proxy, showing the name of the proxy, and shall file the proxy and certificate with the election papers and return the same to the returning officer in the envelope provided for that purpose. Record of voting by proxy.

(9) The Lieutenant-Governor in Council may prescribe any further or other forms which he may deem necessary for the purposes of this section and may make regulations as to the mode in which proxies may be given and generally for the better carrying into effect of the provisions of this section and preserving the secrecy of voting in pursuance thereof. Forms and regulations.

(10) A person who has been appointed as a voting proxy shall be entitled to vote in his own right in the electoral district notwithstanding that he has voted as a proxy for a mariner. Proxy may vote in own right.

(11) Every person who,—

Offences.

(a) attempts to vote at an election otherwise than by means of such voting proxy while the appointment of such voting proxy is in force; or Voting after appointing proxy.

(b) votes or attempts to vote at any election under the authority of an appointment as a voting proxy when he knows or has reasonable grounds for supposing that such appointment has been cancelled or that the voter by whom the appointment has been made is dead or no longer entitled to vote, Proxy voting after annulment.

shall be guilty of an illegal practice within the meaning of this Act and shall incur a penalty of \$200 and shall be imprisoned for six months. 1929, c. 5, s. 12. Penalty.

Voting by Ballot.

90. The votes shall be given by ballot. R.S.O. 1927, c. 8, s. 87. Voting to be by ballot.

Procedure at Poll.

91.—(1) The deputy returning officer shall attend at the polling place at least fifteen minutes before the hour fixed for opening the poll. Attendance of deputy returning officer.

Counting
ballots be-
fore opening
of poll.

(2) During such fifteen minutes, agents and voters entitled to be present in the polling place during polling hours shall be entitled to have the ballot papers intended for use thereat counted in their presence before the opening of the poll, and to inspect such ballot papers, and all other papers, forms and documents relating to the poll. R.S.O. 1927, c. 8, s. 88.

Deputy to
show box
empty, and
lock and
seal it.

92. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box, and place his seal upon it in such manner as to prevent its being opened without breaking the seal, and he shall then place and shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present and shall keep the box so locked and sealed. R.S.O. 1927, c. 8, s. 89.

One voter
only for
each com-
partment.

93. Not more than one voter for each compartment shall at any one time enter the room where the poll is held, and each voter upon so entering shall declare his name, place of residence and occupation, which particulars shall be entered in the poll book by the poll clerk, a consecutive number being prefixed to the name. R.S.O. 1927, c. 8, s. 90.

Persons on
polling list
to be
allowed to
vote on
taking oath
if required.

94. Subject to the provisions of sections 86 and 95, the deputy returning officer shall not receive the vote of any person whose name is not entered on the polling list, but shall receive the vote of every person whose name is entered thereon, if such person, where required by a candidate, or his agent, or by the deputy returning officer, takes the oath of qualification (Forms 1, 2, 30, 31 and 32), and the oath of allegiance (Form 29) or whichever is required to be taken. R.S.O. 1927, c. 8, s. 91; 1935, c. 21, s. 3.

Application
of section.

95.—(1) The following provisions of this section shall apply in the case of a polling subdivision in a township or village and in a town having a population of not more than 3,500 according to the last Dominion census, provided that such polling subdivision is not within five miles of a city having a population of 100,000 or over.

Omission of
name from
polling list—
voting when
vouched for.

(2) The deputy returning officer, if required by any person whose name is not on the polling list and who is vouched for by an elector whose name is upon the polling list and who is resident in such polling subdivision, shall administer to such person an oath in the following form,—

You swear that your name is (*full name of applicant*) that you reside at (*give street number, lot, concession, etc.*) and that your name as you verily believe has been omitted in error from the polling list. So help you God.

and to such other person the deputy returning officer shall administer an oath in the following form,—

You swear that your name is (*full name of voter*), that you reside at (*give street number, lot, concession, etc.*) and that you are the person named by the said name on the polling list.

That you well know (*insert name of applicant*) and that he is as you believe duly qualified to be entered on the polling list and to vote at this election. So help you God.

R.S.O. 1927, c. 8, s. 92 (1, 2).

(3) The deputy returning officer shall then administer to the applicant the oath of allegiance (Form 29) and the proper oath to be administered to voters (Forms 30, 31 and 32) (leaving out paragraph 1 in this oath), and shall cause the applicant's name to be added to the polling list with the word "sworn" written thereafter. R.S.O. 1927, c. 8, s. 92 (3); 1935, c. 21, s. 4.

Voter to
take oath.

(4) The applicant upon taking the oath and being so vouched for shall be entitled to vote. R.S.O. 1927, c. 8, s. 92 (4).

Right to
vote after
taking oath.

(NOTE: *Section 3 of Chapter 3 of the Statutes of 1930 provides for the repeal of section 95, but the repealing section is to come into force only upon proclamation and has not been proclaimed at the date of the publication of the Revised Statutes.*)

96. If a deputy returning officer votes at the polling place at which he has been appointed to act, the poll clerk or in his absence the agent of a candidate authorized to be present may administer to him the oath to be taken by a voter. R.S.O. 1927, c. 8, s. 93.

Administra-
tion of
oath to
deputy
returning
officer vot-
ing at his
polling
place.

97.—(1) Where a deputy returning officer has reason to believe that a person offering to vote is not a qualified voter or has already voted, or tenders his vote under a false name or designation or personates or represents himself falsely as being upon the polling list, the deputy returning officer shall administer the prescribed oath to the voter, whether he has been required to do so or not.

When
deputy
returning
officer to
swear voter.

(2) A deputy returning officer who acts in contravention of this section shall incur a penalty of \$200. R.S.O. 1927, c. 8, s. 94.

Penalty.

98. Every person who is entitled to vote shall receive from the deputy returning officer a ballot paper on the back of which the deputy returning officer has previously put his initials so placed as indicated in Form 17 that when the ballot is folded they can be seen without opening it, and on the back of the counterfoil of which he has placed a number

Deputy to
put initials
on back of
ballot paper
and number
on counter-
foil.

corresponding to that placed opposite the voter's name in poll book. R.S.O. 1927, c. 8, s. 95.

Instructions
to voter.

99. The deputy returning officer shall, upon request of the voter, instruct him how to mark and fold his ballot paper, but without inquiring or seeing for whom he intends to vote except in the cases provided for by section 100. R.S.O. 1927, c. 8, s. 96.

Voter in-
capacitated
by blindness,
etc.

100.—(1) The deputy returning officer on the application of any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall require the voter making such application to take an oath (Form 33), of his incapacity to vote without assistance, and shall thereafter assist such voter by marking his ballot paper in the manner directed by such voter in the presence of the sworn agents of the candidates, or of the sworn electors representing the candidates in the polling place and of no other person, and place such ballot in the ballot box.

Blind
voters ballot
marked by
friend.

(2) The deputy returning officer shall either deal with a blind voter in the same manner as with an illiterate or otherwise incapacitated voter, or at the request of any blind voter who has taken the oath (Form 33), and is accompanied by a friend, shall permit such friend to accompany the blind voter into the voting compartment and mark the voter's ballot for him.

Oath of
friend.

(3) Any friend who is permitted to mark the ballot of a blind voter as aforesaid, shall first be required to take an oath (Form 34) that he will keep secret the name of the candidate for whom the ballot of such blind voter is marked by him, and no person shall at any polling place be allowed to act as the friend of more than one blind voter.

Entry in
poll book.

(4) The deputy returning officer shall enter in the column for remarks in the poll book opposite the voter's name, the reason why such ballot paper was marked by him, or by a friend of the voter. 1933, c. 13, s. 11.

Voters
who cannot
speak
English.

101.—(1) Where a voter does not understand the English language the deputy returning officer may employ an interpreter to translate the oath as well as any lawful questions necessarily put to the voter, and his answers, and the interpreter shall take the oath following:

"I swear (or affirm) that I will faithfully translate such oaths, declarations, questions and answers as the deputy returning officer shall require me to translate at this election. So help me God."

(2) If no such interpreter is found or presents himself at the polling place the voter shall not be allowed to vote. If no interpreter, no vote.
R.S.O. 1927, c. 8, s. 98.

102. The voter on receiving his ballot paper shall forthwith proceed into one of the compartments of the polling place, and there mark his ballot paper, making a cross with a black lead pencil within the white space containing the name of the candidate, or within the white spaces containing the names of the candidates for whom he intends to vote, and shall then fold the ballot paper so that the initials on the back of it and the number on the counterfoil can be seen without opening it, and hand it to the deputy returning officer, who shall, without unfolding it, ascertain by examining his initials, and the number on the counterfoil, that it is the same ballot paper that he furnished to the voter, and shall then, in full view of all present, including the voter, remove the counterfoil and tear up or otherwise destroy it and place the ballot paper in the ballot box. Mode of marking, folding and depositing ballot paper. R.S.O. 1927, c. 8, s. 99.

103. The poll clerk shall enter in the poll book opposite the name of each voter voting the word "Voted" as soon as the ballot paper has been deposited in the ballot box, and shall enter in the same book the word "Sworn" or "Affirmed" opposite the name of each voter to whom the oath has been administered, and the words "Refused to be sworn" or "Refused to affirm" opposite the name of each voter who has refused to take any oath when he has been required so to do. Entries to be made in poll book as to voters. R.S.O. 1927, c. 8, s. 100.

104.—(1) A person who has refused to take the oath when required so to do, shall not receive a ballot paper or vote, and the vote of such person if taken and received shall be null and void. Voter refusing to be sworn.

(2) A deputy returning officer who receives such vote or causes the same to be received, shall incur a penalty of \$200. Penalty for receiving such vote. R.S.O. 1927, c. 8, s. 101.

105. The voter shall vote without undue delay, and shall leave the polling place as soon as his ballot paper has been placed in the ballot box. Voter to leave as soon as possible. R.S.O. 1927, c. 8, s. 102.

106. While a voter is in a compartment for the purpose of marking his ballot paper no other person shall be allowed to enter the compartment, or to be in a position from which he can see for whom the voter marks his ballot paper. Exclusion from ballotting compartment. R.S.O. 1927, c. 8, s. 103.

Voter not
to take his
paper from
polling
place, etc.

107. A person who has received a ballot paper shall not take it out of the polling place, and a person who receives a ballot paper, and leaves the polling place without delivering it to the deputy returning officer, or returns his ballot paper declining to vote, shall forfeit his right to vote, and the deputy returning officer shall make an entry in the poll book in the column for remarks, to the effect that such person received a ballot paper, but took it out of the polling place or returned it declining to vote, as the case may be, and in the latter case the deputy returning officer shall immediately write the word "Declined" upon the ballot paper, and shall preserve it to be returned to the returning officer. R.S.O. 1927, c. 8, s. 104.

Voter who
alleges
he has
been per-
sonated.

108.—(1) If a person representing himself to be a voter applies for a ballot paper after another person has voted as such voter, he shall be entitled to receive a ballot paper and to vote after taking the oath, and otherwise establishing his identity to the satisfaction of the deputy returning officer.

Initials and
number to be
put on back.

(2) The deputy returning officer shall put on the back of the ballot paper his initials and a number corresponding to the number entered on the poll book opposite the name of the voter.

Name of
voter, etc.
to be en-
tered in
poll book.

(3) The name of the voter shall be entered on the poll book, and a note shall be made of his having voted on a second ballot paper, and of the fact of the oath having been taken and of any objections made on behalf of any and of which of the candidates. R.S.O. 1927, c. 8, s. 105.

Where bal-
lot paper
accidentally
spoilt.

109. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used shall, upon returning it to the deputy returning officer, be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "Cancelled" upon the first mentioned ballot paper and preserve it to be returned to the returning officer. R.S.O. 1927, c. 8, s. 106.

What shall
be deemed
a tender of
a vote and a
voting.

110. A person who applies for a ballot paper shall by so doing be deemed to have tendered his vote or to have offered to vote; and a person who has placed or caused to be placed his ballot paper in the ballot box, or has delivered it to the deputy returning officer or poll clerk for the purpose of having it placed in the ballot box shall be deemed to have voted. R.S.O. 1927, c. 8, s. 107.

Who may be
in polling
place

111.—(1) In addition to the deputy returning officer, the poll clerk, the constable or constables, the candidates and

their agents, not exceeding two in number for each candidate, and, in the absence of agents, two voters to represent each candidate on the request of such voters, and no others shall be permitted to remain in the polling place during the time the poll remains open and at the counting of the votes.

(2) An agent bearing a written authorization from the candidate shall always be entitled to represent him in preference to, and to the exclusion of any two voters who might otherwise claim the right of representing such candidate. R.S.O. 1927, c. 8, s. 108.

112. A voter entitled to vote within a city or town shall, on the day of polling, be entitled to absent himself for the purpose of voting from any service or employment in which he is then engaged or employed, from the hour of noon until the hour of two of the clock next thereafter, or from the hour of four o'clock in the afternoon until the hour of six o'clock next thereafter, and a voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled, but this section shall not apply where a voter is by his employer permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote. R.S.O. 1927, c. 8, s. 109.

PROCEEDINGS AFTER CLOSE OF THE POLL.

113. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate envelopes and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and make an entry thereof on the line immediately below the name of the voter who voted last, thus:—*The number of voters who voted at this election in this polling place is (stating the number)*, and he shall sign his name thereto; then, in the presence and in full view of the persons entitled to be present, he shall open the ballot box and proceed to count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. R.S.O. 1927, c. 8, s. 110.

114. In counting the votes the deputy returning officer shall reject all ballot papers, herein called "Rejected ballot papers,"

(a) which have not been supplied by him; or

- (b) by which votes have been given for more candidates than are to be elected; or
- (c) upon which there is any writing or mark by which the voter can be identified, other than the number placed thereon by the deputy returning officer in the case provided for by section 108;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper, shall avoid the same or warrant its rejection. R.S.O. 1927, c. 8, s. 111.

Objections
to be
noted—

115.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate, or his agent or a voter present, and shall decide the objection subject to review on recount or on petition questioning the election or return.

And num-
bered and
initialled.

(2) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialled by the deputy returning officer. R.S.O. 1927, c. 8, s. 112.

How ballots
to be
counted.

116.—(1) All the ballot papers not rejected by the deputy returning officer shall be counted and an account kept of the number of ballots cast for each candidate, and of the number of rejected and cancelled ballot papers, and all the ballot papers indicating the votes given for each candidate respectively shall be put into a separate envelope.

Ballot
papers to be
put into
parcels
under seal.

(2) All rejected and unused ballot papers respectively shall be put into separate envelopes, which shall be endorsed so as to indicate their contents, and shall be sealed by the deputy returning officer, and any agent present may write his signature across the flap of the envelope and may also affix his seal. R.S.O. 1927, c. 8, s. 113.

Statement
of result to
be made by
deputy
returning
officer.

117.—(1) The deputy returning officer shall make out a statement in triplicate (Form 35), one part to remain attached to the poll book, another to be retained by him, and the third to be enclosed by him in a special envelope supplied for the purpose, which he shall seal and deposit in the ballot box.

Signatures
to state-
ment.

(2) The statement shall forthwith be signed by the deputy returning officer and poll clerk and such of the candidates or their agents as may be present, and may desire to sign it.

Certificate
of result
of poll.

(3) The deputy returning officer shall then deliver to each of the candidates, or to their agents, or, in the absence of

the candidates, and agents, to the voters present representing the candidates, a certificate (Form 36), of the number of ballots cast for each candidate, and of the number of rejected ballot papers. R.S.O. 1927, c. 8, s. 114.

118. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe the oath (Form 37). R.S.O. 1927, c. 8, s. 115.

119. The poll book, the polling list, the envelope containing the ballot papers, and all other documents which served at the election shall then be placed in the large envelope supplied for the purpose, which shall then be sealed and placed in the ballot box. R.S.O. 1927, c. 8, s. 116.

120.—(1) The deputy returning officer shall then immediately lock and seal the box, and forthwith deliver it personally to the returning officer, and if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it to the returning officer, and shall thereon, or on a ticket attached thereto, write the name of the person to whom the box has been delivered, and shall take a receipt therefor, and the poll clerk or person so chosen shall forthwith personally deliver the ballot box to the returning officer and shall take before him, the oath (Form 38).

(2) In lieu of the proceedings provided by subsection 1 after locking and sealing the ballot box the deputy returning officer may forward the same by registered post to the returning officer.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath (Form 39), and shall personally deliver or transmit it by registered post to the returning officer. R.S.O. 1927, c. 8, s. 117.

121. The returning officer upon the receipt by him of any ballot box shall take every precaution for its safe keeping and for preventing any other person than himself and the election clerk from having access to it, and shall immediately on the receipt of each box seal it with his own seal in such a way that it cannot be opened without his seal being broken, and without effacing or covering the seals affixed thereto. R.S.O. 1927, c. 8, s. 118.

122. The returning officer at the place, day and hour appointed by his proclamation, and after having received all the ballot boxes, shall open them, and the large envelope

containing the poll books, but not any of the other sealed envelopes except the one containing the statement of the poll, and shall in the presence of the election clerk and of the candidates or their representatives if present, add up the votes given for each candidate from the statements of the poll contained in the ballot boxes, and shall forthwith declare to be elected the candidate having the largest number of votes. R.S.O. 1927, c. 8, s. 119.

Casting vote. **123.** Where, on the addition of votes by the returning officer, an equality of votes is found to exist between any two or more candidates, and an additional vote would entitle any of them to be declared elected, the returning officer shall give the additional or casting vote. R.S.O. 1927, c. 8, s. 120.

PROCEEDINGS IN CASE OF NON-RETURN OF BALLOT BOXES, ETC.

Adjournment of proceedings where ballot box not duly delivered. **124.** If the ballot boxes are not all returned on the day fixed for adding up the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed. R.S.O. 1927, c. 8, s. 121.

Where default made by deputy returning officer in returning documents. **125.** If any deputy returning officer has not enclosed in the ballot box the statement of the ballot papers counted by him as required by this Act, or if for any other cause, the returning officer cannot, at the day and hour appointed by him for adding up the votes, ascertain the number of votes given for each candidate, he may adjourn to a future day and hour the adding up of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks. R.S.O. 1927, c. 8, s. 122.

Disappearance of ballot boxes, duty of returning officer. **126.** If the ballot boxes or any of them have been destroyed or lost, or, for any other reason, are not forthcoming by the time fixed for adding up the votes, the returning officer shall ascertain the cause and shall procure from each deputy returning officer whose ballot box is missing, or from any other person having them, the statements and certificates of the number of votes given for each candidate or copies of them, the whole to be verified by oath. R.S.O. 1927, c. 8, s. 123.

Procedure by returning officer where lists, statements, etc., cannot be found. **127.** If the statements and certificates, or any of them, or copies of them, cannot be procured, the returning officer shall ascertain by such evidence as he is able to obtain, the total number of votes given for each candidate at the several polling places; and may summon any deputy returning officer,

poll clerk, or other person, to appear before him at a time and place to be named by him, with all necessary papers and documents, of which time and place and of the intended proceedings the candidates shall have notice; and the returning officer may examine on oath such deputy returning officer, poll clerk, or other person, respecting the matter in question. R.S.O. 1927, c. 8, s. 124.

128. In case of an adjournment by reason of any deputy returning officer not having placed in the ballot box, a statement of the ballot papers counted by him, the returning officer shall, in the meantime, use all reasonable efforts to ascertain the number of votes given for each candidate at the polling place of such deputy returning officer, and shall have the powers conferred by section 127. R.S.O. 1927, c. 8, s. 125.

When deputy returning officer has neglected to deliver statement of result.

129. The returning officer shall return the candidate having the largest number of votes, and shall mention specially in a report to be sent with the return the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement, and the mode by which he ascertained the number of votes given for each candidate. R.S.O. 1927, c. 8, s. 126.

Special report by returning officer.

RECOUNT OR FINAL ADDITION BY COUNTY JUDGE.

130.—(1) In this section and in sections 131 to 143 "judge" shall mean the judge of the county or district court and where there are two or more judges the senior judge, or a junior judge, in case of the illness or absence of the senior judge or where the senior judge requests him to act.

"Judge,"—meaning of.

(2) If within four days after that on which the returning officer has made addition of the votes for the purpose of declaring any candidate elected, upon the application of a candidate or a voter, it is made to appear by affidavit to the judge of the county court of the county in which the electoral district or any part of it is situate that a deputy returning officer has in counting the votes,

Where recount may be had.

- (a) improperly counted any ballot paper;
- (b) improperly rejected any ballot paper;
- (c) made an incorrect statement of the number of ballots cast for any candidate; or
- (d) that the returning officer has improperly added up the votes;

Deposit by
applicant.

and if the applicant deposits within that time with the clerk of the county court the sum of \$100 in legal tender, or in the bills of any chartered bank doing business in Canada, as security for the costs, in connection with the recount or final addition, of the candidate appearing by the addition to be elected, the judge may appoint a time and place to recount or finally add up the votes cast at the election.

What judge
to hold re-
count when
district in
two or more
counties.

(3) Where an electoral district comprises parts of two or more counties the application shall be made to and the recount or final addition shall take place before the judge of the county court of the county having the larger or largest population according to the last Dominion census. R.S.O. 1927, c. 8, s. 127.

Notice of
time and
place of
recount.

131. At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the returning officer and the election clerk, and the judge may at the time of the application or afterwards, direct that service of the notice upon the candidates, the returning officer, and the election clerk, may be substitutional, or be made by mail, or in such other manner as he thinks fit. R.S.O. 1927, c. 8, s. 128.

Returning
officer to
withhold
return.

132. The returning officer after the receipt of the notice shall delay making his return to the Clerk of the Crown in Chancery until he receives a certificate from the judge of the result of the recount or final addition, and upon receipt of the certificate shall make his return. R.S.O. 1927, c. 8, s. 129.

Presence of
county
court clerk.

133. The judge may require the clerk of the county court to be present at the time and place appointed. R.S.O. 1927, c. 8, s. 130.

Summoning
officers to be
present with
documents.

134.—(1) The returning officer and his election clerk shall attend at the time and place appointed with the envelope containing the ballot papers, or the original statements of the poll, as the case may be.

Production
and custody
of ballot
papers on a
recount.

(2) The ballot papers and original statements shall continue in the custody of the returning officer, and he shall be responsible for them, subject to any direction which the judge may give in respect thereto. R.S.O. 1927, c. 8, s. 131.

Who to be
present at
recount.

135.—(1) The returning officer and the election clerk shall be present at the recount or final addition, and each candidate shall be entitled to be represented by not more than three agents, and may himself be present.

(2) Where a candidate is not represented, any three voters who declare their desire to attend on his behalf, shall be entitled to attend. If candidate not represented.

(3) Except with the sanction of the judge, no other person shall be present. Authority of judge. R.S.O. 1927, c. 8, s. 132.

136. At the time and place appointed, and in the presence of such of the persons mentioned in section 135 as are present, the judge shall make such final addition from the statements contained in the ballot boxes returned by the deputy returning officers, or recount all the votes or ballot papers returned by the several deputy returning officers, as the case may be, and shall, in the latter case, open all the sealed envelopes containing, Procedure by judge.

- (a) the used ballot papers which have been counted;
- (b) the rejected ballot papers;
- (c) the cancelled ballot papers;
- (d) the declined ballot papers;
- (e) the unused ballot papers.

R.S.O. 1927, c. 8, s. 133.

137.—(1) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment, and excluding, except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine in the succeeding forenoon. Recount to be proceeded with continuously.

(2) During such excluded time and time for refreshment the judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such of the other persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of such papers and documents. Care of documents during proceedings. R.S.O. 1927, c. 8, s. 134.

138. The judge shall, in the case of a recount, proceed according to the rules for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll (Form 35). Rules to govern judge in proceedings. R.S.O. 1927, c. 8, s. 135.

139.—(1) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate envelopes, and upon the completion of a final addition he shall seal up the original statements in their respective envelopes. Sealing up ballots at close of recount.

Distinguishing disputed ballots.

(2) Where either party requests him to do so the judge shall number on the back the disputed ballots and enclose them in a separate envelope. R.S.O. 1927, c. 8, s. 136.

Reviewing decision of returning officer when ballot box or documents missing.

140.—(1) The judge shall, if necessary, or required, review the decision of the returning officer with respect to the number of votes given for a candidate at any polling place, where the ballot box used was not forthcoming when he made his decision, or when the proper statements or papers were not found therein.

Powers of judge.

(2) For the purpose of arriving at the facts, the judge shall have all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer. R.S.O. 1927, c. 8, s. 137.

When judge to send in certificate.

141.—(1) The judge shall delay sending his certificate to the returning officer for two days after the completion of the recount or final addition in order to allow of an appeal as hereinafter provided.

When declaration of result to be given.

(2) If no notice of appeal is given to the judge within two days after the completion of the recount or final addition, the judge shall certify the result to the returning officer forthwith, who shall then forthwith declare to be elected the candidate having the largest number of votes.

Casting vote if judge certifies equality of votes.

(3) In case of an equality of votes, the returning officer shall give the casting vote. R.S.O. 1927, c. 8, s. 138.

Costs.

142.—(1) The costs of the recount or final addition shall be in the discretion of the judge who may order by whom, to whom, and in what manner the same shall be paid.

Taxing and allowing costs.

(2) The judge shall tax the costs, and shall, as nearly as may be, follow the tariff of costs with respect to proceedings in the county court. R.S.O. 1927, c. 8, s. 139.

Deposits, disposal of.

143. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and if the deposit is insufficient, execution may issue out of the county court upon the judge's order for the balance. R.S.O. 1927, c. 8, s. 140.

Recovery of costs if deposit not sufficient.

Appeal from Decision on Recount or Final Addition.

Appeal from decision of judge on recount.

144.—(1) If a party desires to appeal from the decision of the judge he may do so on giving notice in writing to the opposite party and to the judge of his intention to appeal

within two days after the completion of the recount or final addition, and he may by the notice limit the appeal to specified ballots.

(2) The notice may be served upon the opposite party personally, or upon the solicitor who acted for him upon the recount or final addition personally or at his office, or as a judge of the Court of Appeal may direct. Service of notice of appeal.

(3) Where the appeal is limited, the judge of the county court shall seal up the ballots which are the subject of appeal in a separate packet and shall forward them together with the notice and a certificate showing his findings as to the ballots in dispute by registered post to the registrar of the Court of Appeal, but if the appeal is not limited the judge shall forward all the ballot papers and other papers to the registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer. Ballots, etc., to be forwarded to registrar of Court of Appeal.

(4) The judge shall upon request allow each party to make a copy of the certificate of his findings before it is forwarded to the registrar of the Court of Appeal. Allowing copy of certificate of judge.

(5) On receipt of the ballot papers and notice the registrar shall forthwith obtain an appointment from a judge of the Court of Appeal for hearing the appeal and shall notify the parties or their solicitors of the time so appointed. Appointment for hearing of appeal.

(6) The time appointed for hearing the appeal shall not be more than four days from the date of the appointment. When appeal may be heard.

(7) At the time appointed the judge of the Court of Appeal shall recount the ballot papers or such of them as are the subject of appeal, or review the final addition as the case may be, and shall forthwith certify his decision to the judge of the county court, whose duty it shall be to conform to the decision, and to certify the result without delay to the returning officer. Procedure on hearing of appeal; certificate of result.

(8) The judge of the Court of Appeal may direct by and to whom the costs of the appeal shall be paid. R.S.O. 1927, c. 8, s. 141. Costs of appeal.

ELECTION RETURN.

145.—(1) The returning officer shall immediately after the sixth day after the final addition by him of the number of votes given for each candidate, unless before that time he receives notice that he is required to attend before a judge for the purpose of a recount or final addition of the votes When return to be made.

given at the election, and where there has been a recount or final addition, immediately after the receipt of the certificate of the result, transmit his return (Form 40), to the Clerk of the Crown in Chancery that the candidate having the largest number of votes has been duly elected, and shall forward to each of the candidates a duplicate or copy thereof.

Report by
returning
officer.

(2) The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, in which he shall make any observations he thinks proper as to the state of the ballot boxes or ballot papers as received by him. R.S.O. 1927, c. 8, s. 142.

Returning
officer to
transmit to
Clerk of the
Crown in
Chancery
the ballot
papers, etc.

146.—(1) The returning officer shall at the same time transmit to the Clerk of the Crown in Chancery, enclosed in a box or other covering, securely locked, sealed with the seal of the returning officer, the writ, the list mentioned in subsection 5 of section 85, all the envelopes containing ballot papers in his possession, declarations of inability to read or to mark, poll books and all other documents sent to him by the deputy returning officers. R.S.O. 1927, c. 8, s. 143 (1); 1929, c. 5, s. 13.

Endorse-
ment
thereon.

(2) The returning officer shall endorse on the package a description of its contents, and the date of the election to which they relate, and also the name of the electoral district for which the election was held, and shall affix to the outside of the package a label showing distinctly the electoral district to which the contents relate and the date of the election.

How to be
sent.

(3) The package shall be sent by express or by registered post.

Oath of
returning
officer after
transmitting
return.

(4) An affidavit (Form 41), shall be made by the returning officer forthwith after transmitting his return, and shall be forthwith transmitted by him to the Clerk of the Crown in Chancery, by registered post. R.S.O. 1927, c. 8, s. 143 (2-4).

Returning
unused
material.

(5) The returning officer shall at the same time or within ten days thereafter transmit to the Clerk of the Crown in Chancery in a box or other covering, securely locked, and sealed with the seal of the returning officer, all the packages of ballot papers not distributed by him to the deputy returning officers, all ballot paper returned to him by the printer, all documents, papers, stationery and supplies in his possession, all receipts for paper given to him for ballot paper, and a record of all ballot paper supplied to him by the Clerk of the Crown in Chancery and a complete record of its disposal.

Endorse-
ment on
package.

(6) The returning officer shall paste upon the box mentioned in subsection 5, a label with the words "Unused Election

Material" and also the name of the electoral district and the date of the election written or printed thereon. 1929, c. 5, s. 14.

FAILURE TO MAKE RETURN.

147.—(1) If a returning officer wilfully delays, neglects or refuses,—

Application to compel returning officer to add up votes, make return, etc.

- (a) to add up the votes;
- (b) to declare to be elected the candidate having the largest number of votes;
- (c) to give his casting vote where he is by law required to do so; or
- (d) to make the return as required by this Act of the candidate having the largest number of votes;

the person aggrieved or any voter who voted at the election may apply to a judge of the Supreme Court for a mandamus commanding the returning officer to perform the duty which he is shown to have omitted.

(2) The notice shall be served upon the returning officer and upon any person who was a candidate at the election.

Notice of application.

(3) In other respects the provisions of *The Judicature Act* and of the rules made thereunder shall apply to such application.

Application of Rev. Stat., c. 100 and rules.

(4) Nothing in this section shall affect or impair any other right or remedy of the person aggrieved. R.S.O. 1927, c. 8, s. 144.

Other rights and remedies.

PUBLICATION OF RETURN.

148. The Clerk of the Crown in Chancery shall, on receiving the return of a member elected to the Assembly, give in the next ordinary issue of the *Ontario Gazette*, notice of the receipt of the return, the date of such receipt, and the name of the candidate elected. R.S.O. 1927, c. 8, s. 145.

Notice of return in Ontario Gazette.

CUSTODY OF ELECTION PAPERS.

149.—(1) The Clerk of the Crown in Chancery shall, subject to the provisions of this Act, retain in his possession the documents transmitted to him by a returning officer, under section 146, for at least one year, and if the election

How long to be retained and when to be destroyed.

is contested, then for one year after the termination of the contestation.

How to be kept by Clerk of the Crown in Chancery.

(2) The Clerk of the Crown in Chancery shall keep all documents relating to a general election in a room or vault separate from that in which documents relating to by-elections are kept.

Marking boxes when not to be destroyed.

(3) If notice of the presentation of a petition is received by the Clerk of the Crown in Chancery or, if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words, "Not to be destroyed." R.S.O. 1927, c. 8, s. 146.

INSPECTION OF DOCUMENTS, BALLOT PAPERS, ETC.

Inspection of other documents.

150. All documents forwarded by a returning officer in pursuance of this Act, to the Clerk of the Crown in Chancery, other than ballot papers, shall be open to public inspection, at such time and under such regulations as may be prescribed by the Clerk of the Crown in Chancery with the approval of the Speaker of the Assembly, and the Clerk of the Crown in Chancery shall supply copies of or extracts from the documents to any person demanding the same, on payment at the rate of ten cents for each one hundred words, and in computing the number of words a figure shall be counted as a word. R.S.O. 1927, c. 8, s. 147.

Inspection to be under order of judge.

151.—(1) No person shall be allowed to inspect any ballot paper in the custody of the Clerk of the Crown in Chancery except under an order of a judge of the Supreme Court.

When order to be granted.

(2) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of such ballot paper is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return.

Conditions of order.

(3) The order may be made subject to such conditions as the judge may think proper.

Where inspection to take place.

(4) Subject to the provisions of the order, the inspection shall take place under the immediate supervision of the registrar of the Court of Appeal at his office in Osgoode Hall, and he shall be present during the inspection, and so

long as the ballot papers are in the custody of the registrar and not under inspection, they shall be kept in a secure place under lock and key. R.S.O. 1927, c. 8, s. 148.

152. Where an order is made by a judge of the Supreme Court for the production by the Clerk of the Crown in Chancery of any document in his possession relating to an election, the production of it by the Clerk or his agent, in such manner as may be directed by the order, shall be evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballot papers so produced, shall be evidence that the contents are what they are stated to be by the endorsement. R.S.O. 1927, c. 8, s. 149.

Evidence as to documents, ballot papers, etc., in certain cases.

153.—(1) Notwithstanding anything contained in sections 150, 151 and 152 all documents, including used and unused ballot papers, relating to an election, in the custody of the Clerk of the Crown in Chancery or of any other person, may be opened, inspected and examined under such conditions and regulations as may be made by the Committee on Privileges and Elections of the Assembly for the purpose of inquiring into any matter referred to the Committee by order of the Assembly, and upon any such proceeding before the said Committee any such document may be filed as an exhibit and any person summoned to attend and give evidence before the Committee upon such inquiry may be examined or cross-examined in relation thereto.

Inspection of documents under order of Privileges and Elections Committee.

(2) Upon such inquiry no person shall be excusable as a witness on any ground of privilege or upon the ground that his answer may expose him to criminal proceedings or to any penalties which may be imposed under any statute of Ontario. 1928, c. 3, s. 2.

Compellability of witnesses.

PRESERVATION OF THE PEACE.

154. A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the closing of the election shall be a conservator of the peace, and shall be invested with all the powers appertaining to a justice of the peace. R.S.O. 1927, c. 8, s. 150.

Powers of returning officers and deputy returning officers.

155. A returning officer and a deputy returning officer may require the assistance of justices of the peace, constables and other persons, to aid him in maintaining peace and good order at the election and may also swear in as many special constables as he may deem necessary. R.S.O. 1927, c. 8, s. 151.

Assistance by justices and constables.

Special
constables.

156. On a requisition in writing made by a candidate or by his agent, or by two or more voters, a returning officer or deputy returning officer shall swear in as many special constables as may be necessary. R.S.O. 1927, c. 8, s. 152.

Arrest and
imprison-
ment on
verbal order.

157. A returning officer or deputy returning officer may arrest or by verbal order cause to be arrested, and placed in the custody of any constable or other person, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until an hour not later than the close of the nomination or of the poll as the case may be. R.S.O. 1927, c. 8, s. 153.

SECRECY OF PROCEEDINGS.

Maintaining
secrecy of
proceedings.

158.—(1) Every person in attendance at a polling place or at the counting of votes shall maintain and aid in maintaining the secrecy of the voting.

Interference
with voters.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or attempt to obtain at the polling place information as to the candidate for whom a voter is about to vote or has voted.

Communi-
cating in-
formation
as to how
voter is
voting.

(3) No person shall communicate any information obtained at a polling place as to the candidate for whom a voter at such polling place is about to vote or has voted. R.S.O. 1927, c. 8, s. 154.

Inducing
voter to
display
ballot after
marking.

159. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for whom he has voted. R.S.O. 1927, c. 8, s. 155.

Communi-
cating in-
formation
as to number
on back of
ballot.

160. No person shall communicate at any time to any person any information as to the number on the back of the ballot paper given to any voter at a polling place under the provisions of section 108, except to a court or judge lawfully requiring him so to do, or attempt to ascertain at the counting of the votes the number on the back of any such ballot paper. R.S.O. 1927, c. 8, s. 156.

Voter not
to display
marked
ballot.

161. Subject to the provisions of section 100, a voter shall not show his ballot paper, when marked, to any person so as to allow the name of the candidate for whom he voted to be known. R.S.O. 1927, c. 8, s. 157.

162. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy (Form 42). R.S.O. 1927, c. 8, s. 158.

Oath of
secrecy.

163.—(1) If a returning officer, election clerk, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated he shall communicate the particulars, with all convenient speed, to the Crown attorney.

Proceedings
where
officers
aware of
violation of
secrecy.

(2) The Crown attorney shall, on receiving such information from such officer or from any other person, forthwith inquire into the case and if proper prosecute the offender. R.S.O. 1927, c. 8, s. 159.

Duty of
Crown
attorney
thereon.

164. A person who has voted shall not in any legal proceeding questioning the election or return be compelled to state for whom he voted. R.S.O. 1927, c. 8, s. 160.

No one
compellable
to disclose
his vote.

CORRUPT PRACTICES AND OTHER ILLEGAL ACTS.

165.—(1) Every person who,—

Bribery, who
guilty of.

- (a) directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person, in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election;
- (b) directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce any voter to vote, or refrain from voting, or corruptly does any such act on account of any voter having voted or refrained from voting at an election;
- (c) directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any

Bribing
voter or
procuring
bribery by
money.

By gift or
offer or
promise of
employment.

To induce
anyone to
procure
return of
candidate.

person in order to induce such person to procure or endeavour to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

Receiving
bribe to
procure
return of
candidate.

- (d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, or promises or endeavours to procure the return of any person to serve in the Assembly, or the vote of any voter at an election;

Advancing
money to
be spent in
corrupt
practices.

- (e) advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in corrupt practices at an election, or knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election;

Applying
for money
or employ-
ment in
considera-
tion of
voting.

- (f) directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for his having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for his having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment;

Receiving
money,
office, etc.,
for having
voted.

- (g) before or during an election, directly or indirectly, himself, or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election;

Receiving
money
corruptly
after
election.

- (h) after an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election;

Giving or
promising
office to
induce
candidate
to stand or
withdraw.

- (i) in order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or

employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person; or

- (j) in order to induce a person to withdraw from being a candidate at an election directly or indirectly gives or lends, or offers or promises or agrees to give or lend, any money or valuable consideration to such person, or to any other person;

shall be guilty of bribery, and shall incur a penalty of \$200 and shall also on conviction be imprisoned for a term of six months.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act.

(3) The distribution by a candidate or his agent of political pamphlets or other political literature; or the sending or causing to be sent to voters by a candidate or his agent, newspapers containing political articles, reports of political meetings or other matters of public interest during such election or for a reasonable time prior thereto shall not be deemed corrupt or illegal acts or a contravention of this Act.

166.—(1) A candidate shall not nor shall any other person provide or furnish meat, drink, refreshment or provision at the expense of such candidate or other person at a meeting of voters assembled for the purpose of promoting the election, previous to or during the election, or pay or promise or engage to pay therefor; but nothing herein contained shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where such residence is a private house.

(2) Every person offending against the provisions of this section shall be guilty of a corrupt practice and shall incur a penalty of \$100. R.S.O. 1927, c. 8, s. 162.

167.—(1) Every candidate who corruptly, himself or by or with any person, or by any other way or means on his

behalf, at any time, either before or during an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provision to or for any person, in order to be elected or for being elected, or for the purpose of corruptly influencing such person or any other person to vote or refrain from voting at an election, shall be guilty of a corrupt practice and shall incur a penalty of \$200 in addition to any other penalty to which he may be liable therefor.

Giving refreshments
prima facie
evidence of
a corrupt
practice.

(2) The giving of meat, drink, refreshment or provision to voters extensively or generally, by a candidate, or by his agent, or the taking part therein by either of them, or giving the same wholly or partly at the expense of a candidate or his agent, shall *prima facie* be a corrupt practice within the meaning of this section.

Habit of
treating not
sufficient
answer.

(3) It shall not be a sufficient answer to a charge of a corrupt practice under this section that the person charged had been in the habit of treating. R.S.O. 1927, c. 8, s. 163.

Candidate
betting.

168.—(1) A candidate who, before or during the election makes a bet or wager, or takes a share or interest in, or in any manner becomes a party to, a bet or wager, upon the result of the election in the electoral district or in any part thereof or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

Providing
money for
betting.

(2) A candidate or other person who provides money to be used by another in betting or wagering upon the result of the election in the electoral district or in any part thereof, or on any event or contingency relating to the election, shall be guilty of a corrupt practice.

Other
persons.

(3) A person who for the purpose of influencing an election makes a bet or wager on the result thereof in the electoral district or in any part thereof, or on any event or contingency relating thereto, shall be guilty of a corrupt practice. R.S.O. 1927, c. 8, s. 164.

Hiring
conveyances
to carry
voters to
poll.

169.—(1) A candidate who himself or by any other person on his behalf and every other person who—

- (a) hires or promises to pay or pays for a conveyance to carry a voter to, or near or from or on the way to or from a polling place; or
- (b) pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer, to or near, or from or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in the conveyance mentioned in clause *e* of subsection 2 of section 200. Exception.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to or near or from or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election. Furnishing transportation to voters.
R.S.O. 1927, c. 8, s. 165 (1, 2).

(3) "Conveyance," for the purposes of this section, shall include an automobile, a horse, team, carriage, cab, vehicle, boat or vessel. Hiring teams, etc.
R.S.O. 1927, c. 8, s. 165 (3); 1934, c. 14, s. 5.

(4) Save as provided in subsection 1 nothing in this Act contained shall render it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge. Use of private vehicles.
R.S.O. 1927, c. 8, s. 165 (4).

170. The giving or causing to be given to a voter on the nomination day or on polling day on account of his being about to vote or having voted, any meat, drink, refreshment or provision, or any money, ticket or order to enable him to procure the same, shall be a corrupt practice, and the person so offending shall incur a penalty of \$10. Providing refreshments on nomination day or polling day.
R.S.O. 1927, c. 8, s. 166.

171.—(1) Every person who, directly or indirectly, him self, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practices intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, includes or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall incur a penalty of \$200, and shall also upon conviction be imprisoned for one year. Undue influence.
Penalty.

Pretence
that ballot
is not secret.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. R.S.O. 1927, c. 8, s. 167.

Personation.

172.—(1) A person who at an election applies for a ballot paper in the name of some other person whether that name be that of a person living or dead, or of a fictitious person, or who having voted applies at the same election for a ballot paper in his own name or who votes more than once at the same election, shall be guilty of the offence of personation.

Penalty.

(2) A person who commits or who directly or indirectly aids or abets, counsels or procures the commission of the offence of personation shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. R.S.O. 1927, c. 8, s. 168.

Procuring
appointment
as deputy
returning
officer or
poll clerk
by fraud.

173. A person who procures an appointment as deputy returning officer or poll clerk by false pretence, deceit or other improper means, or who acts as deputy returning officer without lawful authority shall be guilty of a corrupt practice and shall incur a penalty of \$400, and shall also on conviction be imprisoned for one year. R.S.O. 1927, c. 8, s. 169.

Appointing
persons as
election
officers who
have been
guilty of
corrupt
practices.

174. A person who knowingly appoints an election clerk, a deputy returning officer or a poll clerk, who has at any time been found guilty by a competent tribunal of a corrupt practice or reported by an election court for a corrupt practice shall be guilty of a corrupt practice and shall incur a penalty of \$400. R.S.O. 1927, c. 8, s. 170.

Voting by
persons not
entitled to
vote to be a
corrupt
practice.

175. A person who votes knowing that he has no right to vote, and a person who induces or procures any other person to vote, knowing that such other person has no right to vote, shall be guilty of a corrupt practice, and shall incur a penalty of \$200. R.S.O. 1927, c. 8, s. 171.

Publishing
false state-
ment of
withdrawal
of candidate.

176. A person who before or during an election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or securing the election of another candidate, shall be guilty of a corrupt practice and shall incur a penalty of \$100, but the election of a candidate shall not be avoided by reason of a contravention of this section unless committed by him or by his agent. R.S.O. 1927, c. 8, s. 172.

CONSEQUENCES OF CORRUPT PRACTICES.

177. If an election court determines and reports that a corrupt practice has been committed by a candidate or by his agent, whether with or without the actual knowledge and consent of the candidate, the election of the candidate shall, except in the case mentioned in section 178, be void. R.S.O. 1927, c. 8, s. 173.

Corrupt practices by candidate or his agent to avoid election.

178. If the election court determines that an agent of the candidate was guilty of a corrupt practice that would otherwise render the election void, and further finds that,

When court finds candidate not personally guilty, then result not affected.

- (a) no corrupt practice was committed at such election by the candidate personally, and that the corrupt practice of the agent was committed contrary to the order and without the sanction or connivance of the candidate;
- (b) the candidate took all reasonable means for preventing the commission of corrupt practices at such election;
- (c) the corrupt practice was of a trivial, unimportant and limited character; and that
- (d) in all other respects, so far as disclosed by the evidence the election was free from any corrupt practice on the part of the candidate and of his agent;

then the election of the candidate shall not, by reason of the corrupt practice, be void. R.S.O. 1927, c. 8, s. 174.

179. No candidate or other person shall be disqualified or subject to any disability or penalty for a corrupt practice, except upon the judgment of an election court. R.S.O. 1927, c. 8, s. 175.

When disqualification incurred.

180.—(1) Subject to the provisions of subsection 2 where an election court determines and reports that a corrupt practice has been committed, by or with the actual knowledge and consent of a candidate, then in addition to his election, if he has been elected, being void, the candidate, during the eight years next after the date of his being so found guilty, shall be incapable of being elected to and of sitting in the Assembly or any municipal council and of being entered on any voters' list or registered as a voter and of voting at an election, and of holding any office at the nomination of the Crown or of the Lieutenant-Governor or any municipal office.

Candidate guilty of corrupt practice disqualified for eight years.

Saving
where cor-
rupt practice
committed
in excusable
ignorance.

(2) If the election court or one of the judges thereof finds that an act constituting in law a corrupt practice was committed by a candidate, or with his actual knowledge and consent, but without any corrupt intent, and in an ignorance which was involuntary and excusable, and that the evidence showed that the candidate honestly desired, and in good faith endeavoured as far as he could, to have the election conducted according to law, the candidate shall not be subject to the penalties and disabilities which he would otherwise incur under subsection 1. R.S.O. 1927, c. 8, s. 176.

Disqualifi-
cation of
persons
other than
candidates.

181.—(1) Every person other than a candidate found guilty of a corrupt practice in a proceeding in which, after notice of the charge, he has had an opportunity of being heard, or who upon his own evidence given on the trial of a petition has been found to have been guilty of a corrupt practice and has been reported, therefor, unless such finding and report have been reversed or set aside on appeal under *The Controverted Elections Act* shall, during the eight years next after the date of his being found guilty, be subject to the penalties and disabilities mentioned in section 180.

Rev. Stat.,
c. 11.

Exemptions.

(2) No person shall be subject to the penalties and disabilities referred to in subsection 1 by reason of,

(a) a mere technical breach of law; or

(b) an act not being an intentional violation of law.

R.S.O. 1927, c. 8, s. 177.

Appeal.

182. Where the judges who constitute the election court disagree as to a corrupt practice having been committed by a candidate or his agent there may be an appeal as provided by *The Controverted Elections Act*, and if the Supreme Court determines that a corrupt practice was committed, then unless the court is of opinion that the case falls within section 178, the election shall be void, but the candidate shall not be disqualified. R.S.O. 1927, c. 8, s. 178.

Rev. Stat.,
c. 11.

Where
second elec-
tion held as
result of
protest.
Effect of
corrupt
practices
at first
election.

183. If an election is set aside and a second election had, the second election shall be deemed to be a new election and shall not be avoided by reason of corrupt practices committed at the former election other than the personal acts of the candidate or of his agent done with his actual knowledge and consent, but the new election shall not be avoided for corrupt practices by the candidate at the former election or affecting the same which were not set up and proved at the trial and

so adjudged by the election court as by law to involve the penalties and disabilities mentioned in section 180. R.S.O. 1927, c. 8, s. 179.

184. If on the trial of an election petition a candidate or his agent is proved to have committed a corrupt practice with respect to a voter, there shall be struck off from the number of votes given for such candidate one vote for each voter in respect to whom the corrupt practice is proved to have been committed. R.S.O. 1927, c. 8, s. 180.

Votes to be struck off on scrutiny when corrupt practice is proved.

185. If on the trial of an election petition, a candidate is proved to have personally engaged any person, as a canvasser or agent, knowing that he has, within eight years previous to such engagement, been found guilty by a competent tribunal of or reported by an election court for a corrupt practice, the election of such candidate shall be void. R.S.O. 1927, c. 8, s. 181.

Election of candidate to be void for employing agent previously found guilty of corrupt practice.

186. If, at any time after a person has become disqualified, the witnesses or any of them on whose testimony he has become disqualified are convicted of perjury in respect of such testimony, the Supreme Court, upon the motion of the person disqualified and upon being satisfied that such disqualification was procured by reason of perjury, may order that the disqualification shall thereafter cease and determine. R.S.O. 1927, c. 8, s. 182.

Removal of disqualification on proof that disqualification was procured by perjury.

187. Every executory contract, promise or undertaking, in any way referring to, arising out of, or depending upon an election, even for the payment of lawful expenses, or the doing of a lawful act, shall be void. R.S.O. 1927, c. 8, s. 183.

Executory contracts arising out of elections to be void.

188. No pecuniary penalty or forfeiture shall be recoverable for a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the corrupt practice; but this provision shall not apply if the court or judge, before whom the person claiming the benefit thereof is charged, certifies that it clearly appears that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. R.S.O. 1927, c. 8, s. 184.

No statutory penalty for corrupt practice where the party charged has first prosecuted a party jointly liable.

Proviso.

OFFENCES AND PENALTIES.

GENERAL.

Returning officers, etc., wilfully falsifying or altering list of voters to incur penalty.

189. A returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a certified list of voters or of a polling list or poll book, who wilfully makes any alteration or insertion in or omission from or in any way wilfully falsifies such certified list, polling list or poll book shall be guilty of a corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. R.S.O. 1927, c. 8, s. 185.

Offences, relating to ballot papers.

190. Every person who,—

- (a) fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) without authority supplies a ballot paper to any person; or
- (c) fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) fraudulently takes a ballot paper out of the polling place; or
- (f) without authority, destroys, takes, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) being a deputy returning officer, fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (h) with fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or

- (i) being authorized by the returning officer to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (j) attempts to commit any offence mentioned in this section,

shall be guilty of a corrupt practice and in the case of a returning officer, deputy returning officer or other officer engaged in the election, shall on conviction be liable to imprisonment for three years, and, in the case of any other person, shall on conviction be liable to imprisonment for one year. R.S.O. 1927, c. 8, s. 186.

191.—(1) A person who wilfully and maliciously destroys, injures or obliterates, or causes to be destroyed, injured or obliterated, a writ of election, or a return to a writ of election, or a poll book, voters' list, list of voters, polling list, certificate or affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall be guilty of a corrupt practice, and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) A person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall be guilty of a corrupt practice and shall incur a penalty of \$2,000, and shall also on conviction be imprisoned for one year. R.S.O. 1927, c. 8, s. 187.

Abettors punishable.

192.—(1) A deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purpose of an election, shall incur a penalty of \$20 in respect of every such ballot paper.

Penalty for deputy returning officer omitting to initial ballots.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 113 to 120 shall, for each refusal or neglect, incur a penalty of \$200. R.S.O. 1927, c. 8, s. 188.

Deputy returning officer or poll clerk neglecting duties.

193. A deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall be guilty of a corrupt practice and shall incur a penalty of \$200. R.S.O. 1927, c. 8, s. 189.

Wilful misconduct in counting ballots, etc.

194. A person who acts in contravention of sections 158, 159, 160 or 161 shall be liable, on conviction, to imprisonment for any term not exceeding six months. R.S.O. 1927, c. 8, s. 190.

Penalty for violating secrecy.

Penalty to persons aggrieved.

195. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act, shall in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved thereby the sum of \$400. R.S.O. 1927, c. 8, s. 191.

How penalties under Act recoverable, Rev. Stat., c. 11.

196. Subject to the provisions of *The Controverted Elections Act*, and except as herein otherwise provided,—

(a) all pecuniary penalties imposed by this Act for offences not declared to be corrupt practices, and for offences not punishable by imprisonment alone, or in addition to a pecuniary penalty or fine, shall be recoverable by anyone who sues for the same in any court of competent jurisdiction, and the court shall order that in default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, he shall be imprisoned for a term in the discretion of the court not exceeding one year unless the penalty and costs are sooner paid;

Statement of plaintiff's claim.

(b) it shall be sufficient for the plaintiff in any such action, to allege that the defendant is indebted to him in the sum claimed, and the particular offence for which the action is brought, and that the defendant had acted contrary to this Act;

Limitation of actions, mode of trial.

(c) the action shall be commenced within one year next after the act committed, or the omission complained of, and not afterwards, and shall be tried by a judge without a jury. R.S.O. 1927, c. 8, s. 192.

Prosecutions for corrupt practices punishable by imprisonment.

197. Prosecutions for penalties and punishments imposed by this Act for or in respect of corrupt practices and for offences for which imprisonment alone or in addition to a pecuniary penalty or fine is imposed shall be had and taken before an election court in the manner provided by *The Controverted Elections Act*. R.S.O. 1927, c. 8, s. 193.

Rev. Stat., c. 11.

Writ, etc., need not be produced at trial.

198. In any proceeding under sections 196 and 197, it shall not be necessary on the trial to produce the writ of election or the return thereto, or the authority of the returning officer founded upon the writ of election but general evidence shall be sufficient. R.S.O. 1927, c. 8, s. 194.

ELECTION EXPENSES.

Appointment of official agent.

199.—(1) Every candidate shall appoint an official agent whose name and address shall be declared in writing to the returning officer, on or before the nomination day.

(2) In the event of the death or incapacity of an official agent the candidate shall forthwith appoint another official agent in his place, and give notice to the returning officer of the name and address of the person appointed, which shall be forthwith published by the returning officer at the expense of the candidate in the manner provided by section 61. R.S.O. 1927, c. 8, s. 195.

On death or incapacity of an agent—appointment of another.

200.—(1) No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and no payment, except with respect to the personal expenses of a candidate, and no advance, loan or deposit shall be made by or on behalf of a candidate before, during or after the election, on account of the election, otherwise than through his official agent.

Payments not to be made except through official agent.

(2) "Personal expenses" when used in this section shall include the following expenses, and payment therefor may lawfully be made by the candidate personally,—

"Personal expenses" of candidate, what to include.

- (a) reasonable and *bona fide* rent or hire of halls or other places used by the candidates personally in which to address public meetings of voters, and the expenses incurred in heating, lighting and cleaning the same;
- (b) reasonable, ordinary and necessary travelling and living expenses of the candidate;
- (c) reasonable, ordinary and necessary travelling and living expenses of one speaker for each meeting, who accompanies the candidate and travels with him for the purpose of speaking at a public meeting to be addressed by the candidate;
- (d) reasonable and ordinary charges for the hire and keep of horses and hire of conveyances for the use of the candidate in travelling to and from public meetings and in canvassing in the electoral district, and reasonable and ordinary charges for the services and maintenance of a driver;
- (e) reasonable and ordinary charges, for use by the candidate personally of not more than one conveyance, and the services of a driver, on the polling day.

*Onus
probandi.*

(3) The onus of showing that the personal expenses paid by the candidate were fair, reasonable and proper and not in excess of what is ordinarily paid for similar services and accommodation, shall be upon the candidate.

Receipt of
ordinary and
reasonable
charges,
when not to
disqualify
voter.

(4) The contracting for or the receipt of the ordinary and reasonable charges,—

- (a) by the owner or possessor of a hall or room in which to hold *bona fide* public meetings for the purposes of the election; or
- (b) by a printer for printing voters' lists, election addresses or advertisements or notices of election meetings; or
- (c) by a regularly established livery-keeper for the hire of horses and vehicles used in connection with and for the proper purposes of the election, and not for carrying voters otherwise than by the candidate as provided by clause *e* of subsection 2;

shall be lawful and shall not disqualify him from voting.
R.S.O. 1927, c. 8, s. 196.

Claims on
candidate in
respect of
any election;
when to be
sent in to
agent.

201.—(1) Every person who has any claim against a candidate for or in respect to an election, shall send in such claim within one month from the day of the declaration of the result of the election, to the official agent of the candidate, otherwise he shall be barred of his right to recover the same.

Case of
death of
person
making
claim.

(2) In case of the death within such month of any person having such claim, his legal representative shall send it in, within one month after probate or administration has been obtained, otherwise the right to recover the same shall be barred.

Case of
death of
agent.

(3) In case of the death of the official agent, or of his incapacity to act and no other agent having been appointed, such claim may be sent in or delivered to the candidate.

Agent not
to pay
without
authority of
candidate.

(4) No such claim shall be paid without the authority of the candidate, and the approval of the official agent. R.S.O. 1927, c. 8, s. 197.

Payment of
lawful
accounts
rendered
after one
month from
election.

202.—(1) Notwithstanding anything in section 201 contained, any claim which would have been payable if sent in within one month of the day of the declaration, may be paid by the candidate through his official agent after that time,

if such claim is approved by a judge of the Supreme Court, or by the judge of the county court of a county in which the electoral district or some part of it is situate.

(2) All claims allowed by a judge shall, within one week thereafter be advertised by the returning officer at the expense of the candidate in the same newspapers in which the statement of the other election expenses was published. R.S.O. 1927, c. 8, s. 198. Advertising claims.

203.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50, and a detailed statement of all election expenses, incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall within two months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of two months, then within one month after such claim has been sent in, be made out and signed by the official agent, who has paid the same, or by the candidate in case of payments made by him, and delivered, with the bills and vouchers relating thereto, to the returning officer. Statement of election expenses, etc., to be sent by agent to returning officers.

(2) The returning officer within fourteen days after receiving the statements, shall publish at the expense of the candidate an abstract thereof, in a newspaper published or circulating in the electoral district. Abstract thereof to be published.

(3) An agent or candidate who makes default in delivering the statements to the returning officer, shall incur a penalty not exceeding \$25 for every day during which he so makes default. Penalty for default in delivering statement.

(4) An agent or candidate who wilfully furnishes to the returning officer an untrue statement shall incur a penalty of \$400. R.S.O. 1927, c. 8, s. 199. Penalty for false statement.

204. The returning officer shall preserve all such statements, bills and vouchers, and shall during the six months next after they have been delivered to him permit any voter to inspect the same on payment of a fee of twenty-five cents. R.S.O. 1927, c. 8, s. 200. Returning officer to preserve bills, etc., and allow inspection.

FEEES AND EXPENSES OF RETURNING OFFICERS, ETC.

205.—(1) The fees and expenses to be allowed to the officers and other persons for their services and disbursements under Tariff of fees.

this Act shall be fixed by the Lieutenant-Governor in Council from time to time.

Payment of
expenses
of Act.

(2) The fees and expenses to be allowed to the returning officers, boards, and other officers and persons for services performed under this Act shall so far as the same are payable by the Province, be payable out of the Consolidated Revenue Fund.

Accountable
warrants.

(3) For the purpose of providing funds for the payment of such fees and expenses, the Lieutenant-Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accounts
and audit.

(4) The sums paid out under subsection 1 shall be duly accounted for by the production of accounts and vouchers certified as provided by subsection 5, but it shall not be necessary that such accounts or vouchers shall be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the same person, unless the Lieutenant-Governor in Council otherwise directs.

Audit by
Auditor of
Criminal
Justice
Accounts.

(5) All accounts and such fees and expenses shall be audited by the Auditor of Criminal Justice Accounts and upon the production of his certificate as to any amount remaining unpaid upon an account, the Treasurer of Ontario shall cause a cheque to be issued for the amount named in the certificate and the Provincial Auditor shall countersign the same.
R.S.O. 1927, c. 8, s. 201.

SCHEDULE OF FORMS.

FORM 1.

(Section 18, Paragraph 3.)

FORM OF OATH TO BE ADMINISTERED TO MALE VOTER IN TERRITORY
WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)—

1. That you are the person named or intended to be named in the polling list now shown to you (*or where a voter votes under a certificate given under section 85 of The Election Act, that you are the person named in the certificate now shown to you*).

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth;

(*or, at the option of the voter,*)

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 (*or by virtue of your naturalization since the 12th day of April, 1917*).

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list was prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

R.S.O. 1927, c. 8, Form 24.

FORM 2.

*(Section 18, Paragraph 3.)*FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER IN TERRITORY
WITHOUT MUNICIPAL ORGANIZATION.

You swear (a)—

1. That you are the person named or intended to be named in the polling list now shown to you *(or where a voter votes under a certificate given under section 85 of The Election Act, that you are the person named in the certificate now shown to you)*.

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried *(or are married to a British subject)*.

(or, at the option of the voter).

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, *(or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917)*.

(or, at the option of the voter).

3. That you are a British subject by virtue of the naturalization of your parent as a British subject while you were a minor and have not become a subject of any foreign power or a citizen of any foreign state.

(or, at the option of the voter).

3. That you are married to *(or being a widow, you are the widow of)* a British subject and since your marriage to such British subject you have not done any act to cause yourself to become a subject of any foreign power or a citizen of any foreign state.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided in the Province of Ontario for the twelve months last past.

6. That you were at the time of the entry of your name upon the polling list now shown to you in good faith a resident of and domiciled in the electoral district for which the list is prepared, and that you have resided in this electoral district continuously since the said date and that you are now actually resident and domiciled therein.

7. That you are not disqualified from voting and are qualified to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not, directly or indirectly, paid or promised anything to any person to induce him to vote or refrain from voting at this election.

So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

1935, c. 21, s. 5 and Sched.

FORM 3.

(Section 19.)

AFFIDAVIT OF PERSON APPLYING TO BE ENTERED ON LIST AFTER CHANGE OF RESIDENCE.

I, (insert full Christian name and surname) of the (city, town, village or township) of (name of municipality), (occupation), make oath and say (or in the case of a voter entitled to affirm), solemnly affirm—

1. That I am of the full age of twenty-one years (or I will be of the full age of twenty-one years on the day of , being the date fixed for holding the poll at this election).

[IN THE CASE OF A MALE VOTER.]

2. That I am a British subject;

or

2. That I am a British subject by virtue of my naturalization before the 12th day of April, 1917;

or

2. That I am a British subject by virtue of my naturalization under *The Naturalization Act, 1914*, (or under *The Naturalization Act, 1918*).]

[IN THE CASE OF A FEMALE VOTER.]

2. That I am a British subject by birth and am unmarried (or am married to a British subject);

or

2. That I am a British subject by virtue of my naturalization in my own right before the 12th day of April, 1917, (or by virtue of my naturalization in my own right under *The Naturalization Act, 1914*, or under *The Naturalization Act, 1918*);

or

2. That I am a British subject by virtue of the naturalization of my parent as a British subject while I was a minor and have not become a subject of any foreign power or citizen of any foreign state;

or

2. That I am married to (or being a widow, I am the widow of) a British subject and since my marriage to such British subject I have not done any act to cause myself to become a subject of any foreign power or a citizen of any foreign state.]

3. That I have resided within the Dominion of Canada since the day of (naming a date twelve months prior to the date fixed for holding the poll).

4. That I was a resident of and domiciled in (state municipality from which removal took place) and was entered on the last revised voters' list for that municipality (or was entitled to be entered on the last revised voters' list for such municipality).

5. That had I remained a resident of such municipality I would have been entitled to be entered on the voters' list and to vote at this election therein.

6. That on the day of (*insert date of removal*) I removed from the said municipality to this city, (town, village or township), and am now resident at (*insert street number, lot and concession of place of residence*), and that such removal took place in the pursuit of my ordinary profession (*or occupation or calling*) and not for the purpose of enabling me to vote at this election in this municipality.

[*Or, in the case of a person who has moved from one electoral district to another as a member of the family or household, of a person who has so moved in the pursuit of his ordinary occupation or calling or business.*]

6. That on the day of (*insert date of removal*) I moved from the said municipality to this city, (town, village or township) with C. D. as a member of his family or household being the wife (*or son or daughter or other relation or dependent, naming the relationship or connection*) of the said C. D., who moved as aforesaid in the pursuit of his ordinary profession (*or occupation or calling*) and not as I verily believe for the purpose of enabling him or the members of his family to vote at this election.]

7. That I am now a resident of and domiciled in this municipality.

8. That I am not disqualified from voting at this election under *The Election Act* or otherwise by law prohibited from voting or from being entered upon the list.

9. That I have not received anything nor has anything been promised to me, directly or indirectly, to induce me to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. And that I have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election.

Sworn (*or affirmed*) before me

at

this day of , 19 .

C.D.,
Commissioner, etc.

A. B.
(*Signature of applicant*).

1935, c. 21, s. 5 and Sched.

FORM 4.

(Section 19.)

CERTIFICATE OF REVISING OFFICER OR JUDGE AS TO PERSON REMOVING
FROM ONE ELECTORAL DISTRICT TO ANOTHER.

County of

To Wit:

I, _____ (name of revising officer or judge)
do certify that _____ (insert
name of voter), having duly filed with me the affidavit required by
section 19 of *The Election Act*, as having removed into the electoral
district of _____ (insert
name of district) within two months from the day fixed for holding the
poll at the election of a member to serve in the Assembly for the said
electoral district and having satisfied me that he is entitled to be entered
on the list of voters in the municipality of _____
and to vote therein at the poll to be held on the _____ day of
_____, I have caused his name to be entered upon
the list of voters for polling subdivision No. _____ in the
of _____ as provided by the said Act, and I believe him to be
duly entitled to vote at the said poll.

Given under my hand and seal
this _____

day of _____, 19 _____.

Revising Officer.

or Judge,
(as the case may be.)

R.S.O. 1927, c. 8. Form 2.

FORM 5.

(Sections 25 and 74.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS.

The voter is to vote only for one candidate.

The voter shall go into one of the compartments and, with a black lead pencil there provided, place a cross within the white space containing the name of the candidate for whom he votes, thus X.


The voter shall then fold the ballot paper so that the initials on the back and the number on the counterfoil can be seen without opening it: he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present including the voter, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box; the voter shall then forthwith leave the polling place.

If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires, he may return it to the deputy returning officer, who will give him another.


If the voter votes for more than one candidate, or places any mark on the ballot paper by which he can be identified, his vote will be void and will not be counted.

If the voter fraudulently takes a ballot paper out of the polling place, or fraudulently delivers to the deputy returning officer, to be placed in the ballot box, any other paper than the ballot paper given him by the deputy returning officer, he will be liable to imprisonment for one year.


In the following form of ballot paper, given for illustration, the candidates are Wm. R. Brown, Frank Hamon, Joseph O'Neil and John R. Smith, and the voter has marked his ballot paper in favour of John R. Smith, and the counterfoil has been detached.

FORM 5.—(*Continued*)


1 WM. R. BROWN
of the City of Toronto, Barrister.



2 FRANK HAMON
of the City of Toronto, Artist.



3 JOSEPH O'NEIL
of the City of Toronto, Gentleman.



4 JOHN R. SMITH
of the City of Toronto, Merchant.

X


FORM 6.

*(Section 25 (1).)**To be put up at all Polling Places.*

NOTICE AS TO SECRECY OF VOTING.

It is the sworn duty of every person in attendance at this polling place, or at the counting of the votes, not to attempt to ascertain how any person is about to vote or has voted; and not to communicate any information obtained at the polling place which may enable or assist any person to ascertain how any person has voted.

It is further the sworn duty of every such person, by all proper means to maintain, and aid in maintaining, the absolute secrecy of the voting at this polling place.

Any person who acts in contravention of his duty in any of the said particulars is liable to imprisonment for any term not exceeding six months.

By *The Election Act*, it is further provided, that no person shall destroy, take, open or otherwise interfere with any ballot box or book or packet of ballot papers or a ballot paper or ballot in use for the purposes of the election, or shall attempt to do so; and that any returning officer, deputy returning officer or other officer engaged in the election who is guilty of any violation of that provision shall be liable to imprisonment for three years, and any other person guilty of such violation to imprisonment for one year. (*Section 190.*)

The said Act further provides that, in addition to every other penalty and liability, any officer engaged in the election who is guilty of any wilful act or omission in contravention of the Act, shall forfeit to any person aggrieved thereby the sum of \$400. (*Section 195.*)

A. B.,
Clerk of the Crown in Chancery.

R.S.O. 1927, c. 8, Form 4.

FORM 7.
(See Sections 26, 86).
FORM OF POLL BOOK

CONSECUTIVE NUMBER	NAMES OF VOTERS.	Place of Residence.	Occupation.	Objections.	Sworn or affirmed.	Refused to swear or affirm or to answer.	Marks indicating that Voter has voted.	REMARKS.

R.S.O. 1927, c. 8, Form 5.

FORM 8.

(Section 36.)

OATH OF RETURNING OFFICER.

I, A. B., Returning Officer for the Electoral District of
swear (or solemnly affirm) that I am legally qualified to act as Returning
Officer for the said Electoral District, and that I will act faithfully in
that capacity, without partiality, fear, favour or affection. So help me
God.

Sworn (or affirmed) before me at
the of this
day of , 19 .

A Commissioner, etc.
(or as the case may be).
See section 9.

A. B.,
Returning Officer.

R.S.O. 1927, c. 8, Form 6.

FORM 9

(Section 37.)

PROCLAMATION OF THE RETURNING OFFICER DECLARING THE TIME AND
PLACE FOR THE NOMINATION OF CANDIDATES, AND THE DAY FOR
OPENING THE POLL.

PROCLAMATION.

Electoral District of

Public Notice is hereby given that in obedience to His Majesty's Writ
to me directed, and bearing date the day of
, 19 , I require the presence of the voters at
the Town Hall or (as the case may be), in the County (or Township, or
City, or Town) of on the
day of , 19 , from one o'clock until two o'clock
in the afternoon, for the purpose of nominating a person (or persons,
as the case may be) to represent them in the Legislative Assembly; and
notice is further given that in case a poll is demanded and allowed in the
manner by law prescribed, such poll will be opened on the
day of , 19 , from the hour of eight o'clock in
the forenoon until seven o'clock in the afternoon as follows:—

For the polling subdivision No. 1, consisting of (or bounded as follows:—
or otherwise describing it clearly) at
(describing the polling place and so continuing for all the other polling sub-
divisions and polling places in the electoral district).

And further, that at (describe place where votes will be added up) on
the day of at the
hour of , I shall open the ballot boxes, add up the votes
given for the several candidates and declare to be elected the one having
the largest number of votes.

Of which all persons are hereby required to take notice, and to govern
themselves accordingly.

God Save the King.

Given under my hand at , this day of
in the year 19 .

A. B.,
Returning Officer.

R.S.O. 1927, c. 8, Form 7.

FORM 10.

(Section 43 (1).)

COMMISSION OF ELECTION CLERK.

To E. F. (set forth his residence and occupation).

In my capacity of Returning Officer for the Electoral District of
 , I hereby appoint you to be my Election Clerk,
 to act in that capacity at the approaching election for the said Electoral
 District, which election will be opened by me on the day of
 , 19 , (the date to be inserted here is the
 day of nomination).

Given under my hand this
 19 .

day of

A. B.,
 Returning Officer.

R.S.O. 1927, c. 8, Form 8.

FORM 11.

(Section 44.)

OATH OF ELECTION CLERK.

I, E. F., appointed Election Clerk for the Electoral District of
 , swear (or solemnly affirm) that I am legally qualified
 to act as Election Clerk and that I will act faithfully in that capacity
 and also in that of Returning Officer, if required to act in that capacity,
 without partiality, fear, favour or affection. So help me God.

Sworn (or affirmed) before me at
 the of this
 day of , 19 .

E. F.,
 Election Clerk.

A Commissioner, etc.
 (or as the case may be).
 See section 9.

R.S.O. 1927, c. 8, Form 9.

FORM 12.

(Section 58 (1).)

PROCLAMATION WHICH THE RETURNING OFFICER IS TO CAUSE TO BE
READ ON NOMINATION DAY.

Oyez! Oyez! Oyez!

All persons are commanded and strictly enjoined to keep silence while
His Majesty's Writ for the present Election is publicly read.

God Save the King

R.S.O. 1927, c. 8, Form 11.

FORM 13.

(Section 58 (2).)

FORM OF NOMINATION PAPER.

We, the undersigned, electors of the Electoral District of _____,
hereby nominate (*name, residence and addition*
or description of person nominated) as a candidate at the election now
about to be held of a member to represent the said Electoral District in
the Legislative Assembly (*where the person nominated is absent from*
Ontario, add) the said _____
nominated in the foregoing nomination paper, is now absent from Ontario.

Witness our hands at _____, in the said
Electoral District, this _____ day of _____,
19 _____.

Signed by the said electors in the }
presence of _____ } Signatures and residence and
(addition). } addition.

I, the said _____, nominated in the foregoing
nomination paper, hereby consent to such nomination.

Witness my hand at _____, this _____ day
of _____, 19 _____.

Signed by the said nominee in the }
presence of _____ } J. K.
of _____ (addition). }

R.S.O. 1927, c. 8, Form 10.

FORM 14.

(Section 64 (1).)

WITHDRAWAL OF CANDIDATE.

(Electoral District of _____)
I, _____, a candidate nominated for the above Electoral
District hereby withdraw.

Dated at _____, this _____ day of _____, 19 _____.

.....
Candidate.

Witness,

R.S.O. 1927, c. 8, Form 12.

FORM 15.

(Section 65.)

COMMISSION OF DEPUTY RETURNING OFFICER.

To G. H. (*Insert his residence and occupation*).In my capacity of Returning Officer for the Electoral District of
I hereby appoint you to

be Deputy Returning Officer for Polling Place No.

of the Township (*or as the case may be*) ofin the said Electoral District, there to take the votes of the voters and
you are hereby authorized and required to open and hold the poll at
the said Polling Place on theday of _____, 19____, at eight o'clock in the forenoon, at
(*here describe particularly the place in which the poll is to be held*), and
there to keep the said poll open during the hours prescribed by law, and
to do and perform in such polling place all acts and duties required to
be performed by the Deputy Returning Officer appointed to act therefor,
and after counting the votes given, to return to me forthwith the ballot
box sealed with your seal and enclosing the ballots, envelopes, polling list,
and other documents required by law, together with this Commission.

Given under my hand this

day of _____, 19____

A. B.,
Returning Officer.

R.S.O. 1927, c. 8, Form 13.

FORM 16.

(Section 66.)

OATH OF DEPUTY RETURNING OFFICER.

I, _____ G. H., appointed Deputy Returning Officer
for Polling Place No. _____, of the Township (*or as the case
may be*) of _____, swear (*or solemnly affirm*) that I am
legally qualified to act as Deputy Returning Officer and that I will act
faithfully, in that capacity, without partiality, fear, favour or affection.
So help me God.

Sworn (*or affirmed*) before me at }
the _____ of _____ this }
day of _____, 19____. }
A Commissioner, etc. }
(*or as the case may be*). }
See section 9. }

G. H.
Deputy Returning Officer.

R.S.O. 1927, c. 8, Form 14.

FORM 17.

(Section 72 (8).)

FORM OF BALLOT PAPER.

(Front.)

The black line above the first name shall extend to the upper edge, and the black line below the last name shall extend to the lower edge of the ballot paper, and all black lines be prolonged to the edge of the paper. The black margin to the left represents the counterfoil and the space to the left of the counterfoil represents the stub. There shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub.

1

WM. R. BROWN

of the City of Toronto, Barrister.

2

FRANK HAMON

of the City of Toronto, Artist.

3

JOSEPH O'NEIL

of the City of Toronto, Gentleman.

4

JOHN R. SMITH

of the City of Toronto, Merchant.

FORM 17.—(Continued)

FORM OF BALLOT PAPER.

(Back)

No. 325.
.....No. 325.
POLL BOOK

No.

D. R. O.
INITIALSELECTORAL DISTRICT
OF
19

R.S.O. 1927, c. 8, Form 16.

FORM 18.

(Section 72 (5).)

RECEIPT OF RETURNING OFFICER FOR BALLOT PAPER RECEIVED FROM
CLERK OF THE CROWN IN CHANCERY.

I,, Returning Officer for the Electoral District of
, do hereby acknowledge that I have this day received
 from the Clerk of the Crown in Chancery sheets of ballot
 paper, ballots to the sheet, total weight
 the same being for use at the vote to be taken on the day
 of, 19...

Dated this day of, 19...

.....
 Returning Officer.

1929, c. 5, s. 15 and Sched.

FORM 19.

(Section 72 (7).)

RECEIPT OF PRINTER FOR BALLOT PAPER RECEIVED FROM RETURNING
OFFICER.

I (or We) do hereby acknowledge receipt of sheets of
 ballot paper ballots to the sheet, from the Returning
 Officer for the Electoral District of the same to be
 printed as per instructions for use at the vote to be taken on the
 day of, 19...

Dated this day of, 19...

.....
 Printer.

1929, c. 5, s. 15 and Sched.

FORM 20.

(Section 72 (12).)

AFFIDAVIT OF PRINTER.

Electoral District of { I,
swear (or solemnly affirm)

(1) That by direction of the Returning Officer for the above named Electoral District, I printed the ballot papers for use at the election to be held on the.....day of....., 19...., (insert date of polling) on the paper furnished by him for that purpose.

(2) That the annexed form shows the description of the ballot papers printed by me as aforesaid.

(3) That I supplied the Returning Officer with.....of such ballot papers.

(4) That I returned to the Returning Officer.....spoiled ballot papers and.....unused sheets of ballot papers.

(5) That no other such ballot papers were printed by or supplied by me to anyone.

Sworn (or affirmed) before me at the
day of, 19, this

A Commissioner, etc.
(or as the case may be).
See Section 9.

(The Returning Officer will be particular to see that copy of ballot paper is annexed).

1929, c. 5, s. 15 and Sched.

FORM 21.

(Section 74 (2).)

RECEIPT FOR BALLOT PAPERS RECEIVED FROM RETURNING OFFICER.

(Count your ballots, fill in this Form and forward at once to Returning Officer).

....., 19....

I,....., Deputy Returning Officer for Polling Sub-division No.....in the Electoral District of.....hereby acknowledge that I have received from Mr.....Returning Officer for the said Electoral District.....books of ballot papers and have carefully examined and counted them and find that they contain.....ballots.

.....
Deputy Returning Officer.

1929, c. 5, s. 15 and Sched.

FORM 22.

(Sections 78, 80.)

OATH OF POLL CLERK.

I, *I. J.*, appointed Poll Clerk for Polling Place No. _____ of the Township (*or as the case may be*) swear (*or solemnly affirm*) that I am legally qualified to act as Poll Clerk and that I will act faithfully in that capacity and also in that of Deputy Returning Officer, if required to act in that capacity according to law, without partiality, fear, favour or affection.

So help me God.

Sworn (*or affirmed*) before me at
the _____ of _____ this
day of _____, 19____

A Commissioner, etc.
(*or as the case may be*).
See Section 9.

I. J.,
Poll Clerk.

R.S.O. 1927, c. 8, Form 19.

FORM 23.

(Sections 78 (1), 81.)

COMMISSION OF POLL CLERK.

To *I. J.* (*Insert his residence and occupation*).

In my capacity of Deputy Returning Officer for the Polling Place No. _____ of the Township (*or as the case may be*), I hereby appoint you to be Poll Clerk for the said Polling Place.

Given under my hand, this _____ day of _____, 19____.

G. H.,
Deputy Returning Officer.

R.S.O. 1927, c. 8, Form 18.

FORM 24.

(Section 85.)

CERTIFICATE OF RETURNING OFFICER FOR OUTSIDE VOTERS.

I, _____ Returning Officer
 for the Electoral District of _____ at the request
 of _____ of the
 of _____ Merchant (or as the case may be),
 an elector of the said Electoral District, who has been appointed Deputy
 Returning Officer (or Poll Clerk, or Agent) for
 one of the Candidates at this election, (as the case may be) for polling
 subdivision No. _____, of the Township of _____
 (or as the case may be) in the said Electoral District do hereby certify
 that the said _____ is entitled to vote at this
 election at the polling place for the said polling subdivision, being the
 polling place where he is to be stationed during the polling day.

.....
 Returning Officer,

.....19.....

NOTE.—The above certificate is not to be signed by the returning
 officer until the name, residence and occupation of the person to whom
 it is to be granted have been inserted therein.

R.S.O. 1927, c. 8, Form 20.

FORM 25.

(Section 88 (4).)

NOTICE OF HOLDING AN ADVANCE POLL (OR POLLS) FOR RAILWAY
EMPLOYEES, SAILORS AND TRAVELLERS.

Electoral District of.....

Notice is hereby given that pursuant to the provisions of *The Election
 Act* (section 88) a poll will be opened on.....and.....
 the.....and.....days of....., from
 eight o'clock in the forenoon until five o'clock in the afternoon, and from
 seven o'clock in the afternoon until ten o'clock in the afternoon.

The polling place for the Electoral District of.....
 will be located at.....for the purpose of receiving the
 votes of railway employees, sailors and travellers whose employment is
 such as to necessitate their absence from time to time from their ordinary
 place of residence, or who have reason to believe that they will be absent
 upon the day fixed for the election.

The ballot box will be opened and the votes counted at.....
 o'clock in the.....of.....
 the.....day of.....at the said place.

Dated at.....this.....day of....., 19 ..

.....
 Returning Officer.

.....
 1934, c. 14, s. 6.

FORM 26.

(Section 89 (2).)

APPOINTMENT OF PROXY.

I.....of the.....of.....
 in the County of.....in the Province of Ontario, being
 a voter entered on the Voters' List, with a right to vote at the pending
 Ontario Election in the Municipality of.....in the Electoral
 District of.....in the Province of Ontario, hereby
 nominate and appoint.....of.....
 in the County of.....as my true and lawful
 (occupation)
 attorney for me and in my name to vote at the said Election;

AND I HEREBY CERTIFY that I am a British subject, of the full
 age of twenty-one years, and otherwise entitled to vote at the said Election.

IN WITNESS WHEREOF I have hereunto set my hand on board the
 Steamship.....this.....day of
A.D. 19....

WITNESS:

}

1929, c. 5, s. 15 and Sched.

FORM 27.

(Section 89 (5).)

CERTIFICATE OF REVISING OFFICER.

I, *A.B.*, the revising officer duly appointed under *The Voters' Lists Act*
 for the purpose of revising the voters' list to be used at the election now
 pending for the Electoral District of.....
 do certify that *C.D.*, a voter entered on the voters' list, and having the
 right to vote at the pending election in the Municipality of.....
 in the Electoral District of....., duly appeared
 before me at my sittings for the revision of the lists for the Municipality of
, and that upon the evidence there tendered
 by him (or on his behalf) I find that *E.F.*, named in this appointment as
 a mariner, is duly qualified to vote at the said pending election, and that
 the said *C.D.* is a person duly qualified to act as proxy for the said mariner
 and to vote on his behalf at the said election.

Dated this.....day of....., 19....

.....
 Revising Officer.

1929, c. 5, s. 15 and Sched.

FORM 28.

(Section 89 (7).)

FORM OF OATH TO BE ADMINISTERED TO A PROXY VOTING FOR A MARINER.

You swear—

(1) That you are a proxy for the person named by the name of.....
.....in the polling list now shown to you
and that the said mariner is the person executing said proxy.

(2) That the said mariner is of the full age of twenty-one years.

(3) That the said mariner is a British subject.

(4) That the said mariner is not a citizen or subject of any foreign country.

(5) That the said mariner has resided within the Dominion of Canada for the twelve months last past, except for temporary absences as a mariner.

(6) That the said mariner has resided in the electoral district continuously for the two months last past, and is now actually resident or domiciled therein except for such temporary absences as a mariner.

(7) That the said mariner is not disqualified from voting at this election and is entitled to vote at this election and at this polling place.

(8) That you verily believe that the said mariner has not voted before at this election or at any other polling place.

(9) That you verily believe that the said mariner has not received anything or has anything been promised him directly or indirectly to induce him to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

(10) That you verily believe that the said mariner has not directly or indirectly promised anything to any person to induce him to vote or refrain from voting at this election.

(11) That you have not been paid or promised or received anything for or in connection with voting on behalf of the said mariner and that you verily believe that the said mariner executed the said proxy in good faith.

(12) That you are voting on his behalf in good faith at this election.

So help you God.

1929, c. 5, s. 15 and Sched.

FORM 29.

(Sections 94, 95.)

FORM OF OATH OF ALLEGIANCE.

You swear (a) that you will be faithful and bear true allegiance to His Majesty, King George the Sixth (*or the reigning Sovereign for the time being*) as lawful Sovereign of Great Britain, Ireland and the Dominions beyond the Seas, and that you will defend Him to the utmost of your power against all traitorous conspiracies or attempts whatever which may be made against His Person, Crown and Dignity, and that you will do your utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons or traitorous conspiracies and attempts which you may know to be against Him or any of them; And all this you do swear without any equivocation, mental evasion or secret reservation. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

1935, c. 21, s. 5 and Sched.

FORM 30.

(Sections 94, 95.)

FORM OF OATH TO BE ADMINISTERED TO MALE VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 1.

You swear (a)—

1. That you are the person named by the name of in the polling list now shown to you (*or where a voter votes under a certificate given under section 85 of The Election Act*), that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years;

3. That you are a British subject by birth,—

or, at the option of the voter.

3. That you are a British subject by virtue of your naturalization before the 12th day of April, 1917 (*or by virtue of your naturalization under The Naturalization Act, 1914, or under The Naturalization Act, 1918*).

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past. (b).

6. That you were resident in this electoral district at the date of the issue of the writ of election and have resided continuously since that date—(b)—and now are actually resident and domiciled therein.

(This to be used in cities, separated towns or townships to which Part IV of *The Voters' Lists Act* applies).

(or, at the option of the voter.)

6. That you have resided in this electoral district continuously for two months next preceding the day of polling—(b)—and are now actually resident and domiciled therein.

(This applies to all electoral districts to which Part IV of *The Voters' Lists Act* does not apply).

(or, at the option of the voter.)

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act* and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

(This to be used in the case of a voter who is the holder of a certificate issued under section 19.)

7. That you are not disqualified from voting at this election, and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised you, directly or indirectly, to induce you to vote at this election or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words "except occasionally or temporarily, or as a member of a permanent militia corps enlisted for continuous service, or on service as a member of the active militia, or as a student in attendance at an institution of learning in the Dominion of Canada, that is to say (*here name institution*) as the case may be."

1935, c. 21, s. 5 and Sched.

FORM 31.

(Sections 94, 95.)

FORM OF OATH TO BE ADMINISTERED TO FEMALE VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 1.

You swear (a)—

1. That you are the person named by the name of _____ in the polling list now shown to you (*or where a voter votes under a certificate given under section 85 of The Election Act*), that you are the person named in the certificate now shown to you;

2. That you are of the full age of twenty-one years.

3. That you are a British subject by birth and are unmarried (*or are married to a British subject*).

or

3. That you are a British subject by virtue of your naturalization in your own right before the 12th day of April, 1917, (*or by virtue of your naturalization under the laws of Canada or Great Britain since the 12th day of April, 1917*);

or

3. That you are a British subject by virtue of the naturalization of your parent as a British subject while you were a minor and have not become a subject of any foreign power or a citizen of any foreign state;

or

3. That you are married to (or being a widow, you are the widow of) a British subject and since your marriage to such British subject you have not done any act to cause yourself to become a subject of any foreign power or a citizen of any foreign state.

4. That you are not a citizen or subject of any foreign country.

5. That you have resided within the Dominion of Canada for the twelve months last past.

6. That you were resident in this electoral district at the date of the issue of the writ of election and have resided continuously since that date—(b)—and now are actually resident and domiciled therein.

(This to be used in cities, separated towns or townships to which Part IV of *The Voters' Lists Act* applies.)

or

6. That you have resided in this electoral district continuously for two months next preceding the day of polling—(b)—and are now actually resident and domiciled therein.

(This applies to all electoral districts to which Part IV of *The Voters' Lists Act* does not apply.)

or

6. That you are the person named in the certificate now produced by you and issued under section 19 of *The Election Act*, and have been since the issue of the said certificate and are now actually resident and domiciled in this electoral district.

(This to be used in the case of a voter who is the holder of a certificate issued under section 19.)

7. That you are not disqualified from voting at this election and are entitled to vote at this election and at this polling place.

8. That you have not voted before at this election at this or any other polling place.

9. That you have not received anything nor has anything been promised to you, directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

10. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

(b) In case the voter has been temporarily absent, insert the following words "except occasionally or temporarily, or as a student in an institution of learning in Canada, that is to say (naming the institution) as the case may be."

1935, c. 21, s. 5 and Sched.

FORM 32

(Section 95.)

FORM OF OATH TO BE ADMINISTERED TO VOTER QUALIFIED UNDER SECTION 18, PARAGRAPH 2, AND MARKED "S.F." ON POLLING LIST.

You swear (a)—

1. That you are the person named, or intended to be named, by the name of _____, in the polling list now shown to you (*or where a voter votes under a certificate given under section 85 of The Election Act, that you are the person named in the certificate now shown to you*).

2. That you are a British subject.

3. That you served in the military or naval forces of Great Britain or Canada (*or any other British Dominion or possession, or in the military or naval forces of one of Great Britain's Allies in the late war with Germany, naming the force in which the voter served*).

4. That you have not before voted at this election at this or any other polling place.

5. That you have not received anything nor has anything been promised to you directly or indirectly, to induce you to vote at this election, or for loss of time, travelling expenses, hire of conveyance or any service whatever connected with this election.

6. That you have not directly or indirectly paid or promised anything to any person to induce him to vote or refrain from voting at this election. So help you God.

NOTE.—(a) If the voter is a person who may by law affirm in civil cases then for "swear" substitute "solemnly affirm."

R.S.O. 1927, c. 8, Form 23.

FORM 33.

(Section 100.)

FORM OF OATH OF INABILITY TO READ.

I, A.B., of _____ swear (*or solemnly affirm*) that I am unable to read [*or that I am from physical incapacity unable to mark a ballot paper, (as the case may be).*]

Sworn (*or affirmed*) before me at _____
in the County of _____
this _____ day of _____, 19____.
Having been first read over to the
above named A. B., and signed by
him in my presence with his mark.

A. B. (*His X mark.*)

Deputy Returning Officer.

R.S.O. 1927, c. 8, Form 26.

FORM 34.

(Section 100 (3).)

OATH OF FRIEND OF BLIND VOTER.

I, of the
 (insert name of friend)
 of in the County of
 (occupation) swear that I will keep secret the
 name of the candidate for whom I mark the ballot of
 (name of blind voter) on whose behalf I act, so help me God.

SWORN before me
at the.....
of....., in
the.....of....
this.....day
of....., 19....

.....
Signature of friend.

Deputy Returning Officer.

1933, c. 13, s. 12.

FORM 35.

(Sections 117 (1), 138.)

STATEMENT OF THE POLL AFTER COUNTING THE BALLOTS.

Polling Place No.
Electoral District of

Number of ballot papers received from the returning officer.....		
Number of ballots cast for.....		
“ “ “ “ “		
“ “ “ “ “		
“ “ “ “ “		
“ “ “ “ “		
“ “ “ “ “		
Number of ballot papers declined (Section 107) ..		
Number of ballot papers taken from polling place (Section 107)		
Number of ballot papers cancelled (Section 109) ..		
Number of ballot papers rejected (Section 114) ..		
Number of ballot papers not used and returned ..		
Totals		

We hereby certify that the above statement is correct.

Dated at _____, 19__.

A. B.,
Deputy Returning Officer.

Poll Clerk.

(Candidates or agents may also sign.)

R.S.O. 1927, c. 8, Form 27.

FORM 36.

(Section 117 (3).)

CERTIFICATE TO BE DELIVERED TO CANDIDATES, ETC.

I, the undersigned, Deputy Returning Officer for polling place No. _____ in the _____ of _____ in the electoral district of _____, do hereby certify that, at the election held this day, for a member to serve in the Legislative Assembly, the hereinafter mentioned candidates received the number of ballots set opposite their respective names, viz.:—

NAMES OF CANDIDATES	NUMBER OF BALLOTS
.....
.....
.....
.....
.....
.....
.....

and also that _____ ballot papers were rejected.

Dated at this _____ day of _____, 19 _____.

G. H.,
Deputy Returning Officer.

R.S.O. 1927, c. 8, Form 28.

FORM 37.

(Section 118.)

OATH OF THE POLL CLERK AFTER CLOSING OF THE POLL.

I, _____ Poll Clerk for Polling Place No. _____ of the Electoral District of _____, swear (or solemnly affirm) that the poll book for the said polling place kept under the direction of G. H., who acted as Deputy Returning Officer, has been kept by me correctly to the best of my skill and judgment; that the total number of votes polled according to the said poll book is _____; and that to the best of my knowledge and belief it contains a true and exact record of the voters who voted at the said polling place.

Sworn (or affirmed)
before me at
this _____ day of _____, 19 _____.

A Commissioner, etc.
(or as the case may be).
See Section 9.

I. J.,
Poll Clerk.

R.S.O. 1927, c. 8, Form 29.

FORM 38.

(Section 120 (1).)

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, _____ swear (or solemnly affirm) that I am the
 person to whom _____ Deputy Returning Officer for
 Polling Place No. _____ of the _____ of _____
 in the Electoral District of _____ entrusted
 the ballot box for the said polling place to be delivered to
 the Returning Officer; that the ballot box which I delivered
 to the Returning Officer this day, is the ballot box I so received; that
 I have not opened it and that it has not been opened by any other person
 since I received it from the Deputy Returning Officer.
 So help me God.

Sworn (or affirmed) before }
 me at this }
 day of , 19 . }
 A Commissioner, etc. }
 (or as the case may be). }
 See Section 9. }

R.S.O. 1927, c. 8, Form 30.

FORM 39.

(Section 120 (3).)

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, _____ Deputy Returning Officer for Polling Place
 No. _____, of the Electoral District of _____, swear
 (or solemnly affirm) that, to the best of my knowledge and belief, the
 poll book kept for the said polling place under my direction has been
 kept correctly, that the total number of votes polled according to the said
 poll book is _____, and that it contains a true and exact
 record of the votes given at the said polling place, as the said votes were
 taken thereat; that I have correctly counted the votes given for each
 candidate, in the manner by law provided, and performed all duties
 required of me by law, and that the statement, polling list, poll book,
 envelopes containing ballot papers, and other documents required by
 law to be returned by me to the Returning Officer, have been faithfully
 and truly prepared and placed in the ballot box and are contained in the
 ballot box returned by me to the Returning Officer, which was locked
 and sealed by me, in accordance with the provisions of *The Election Act*
 and remained so locked and sealed while in my possession.

Sworn (or affirmed) before me at }
 in the County of _____ }
 this day of , 19 . }
 A Commissioner, etc. }
 (or as the case may be) }
 See Section 9. }

G. H.,
 Deputy Returning Officer.

R.S.O. 1927, c. 8, Form 31.

FORM 40.

(Section 145 (1).)

Statement by Returning Officer respecting Votes Polled and Ballot Papers Used at the Polling Places of the Electoral District of
at the Election held on the day of , 19 .

Electoral District.	Numbers of Polling Places.	Names of candidates and number of votes polled for each.			Voters at each Polling Place.			Ballot papers sent out, and how disposed of in each Polling Place.							Total number of printed ballots not distributed to D.R.O's.	Total number of ballot papers printed.
					Total number of votes polled.	Number of votes remaining unpolled.	Number of names on the Polling Lists.	Number of ballot papers sent out to each polling place.	Used ballot papers.	Unused ballot papers.	Rejected ballot papers.	Cancelled ballot papers.	Declined ballot papers.	Ballot papers taken from polling places.		
															REMARKS	
Totals																
Majority for																

.....Returning Officer for the Electoral District of

.....
1929, c. 5, s. 15 and Sched.

FORM 41.

(Section 146 (4).)

AFFIDAVIT TO BE TAKEN BY RETURNING OFFICER AFTER TRANSMITTING
HIS RETURN TO THE CLERK OF THE CROWN IN CHANCERY.

I, _____ Returning Officer for the Electoral District
of _____ swear (or affirm)—

1. That, of the packets received by me as such Returning Officer from the deputy returning officers in respect of the recent election for the said Electoral District, I have not opened or permitted to be opened, any of the envelopes containing the ballot papers.

2. That I have not opened, or permitted to be opened, any of the packets so received except those authorized and directed to be opened by a returning officer under *The Election Act*.

3. That none of the other packets were opened by any person since they were returned to me by the deputy returning officers, (or in the case of a recount add, except by the Judge of the County Court, on a recount).

4. That I have not ascertained and have not attempted to ascertain from the ballot papers or other contents of any of the said packets how any person voted.

5. That I have this day transmitted to the Clerk of the Crown in Chancery my return in respect of the said election.

So help me God.

Sworn (or affirmed) before }
me at this }
day of , 19 . }
A Commissioner, etc. }
(or as the case may be). }
See Section 9. }

R.S.O. 1927, c. 8, Form 33.

FORM 42.

(Section 162.)

OATH OF SECRECY.

Electoral District of

Polling Place No.

I,

swear (*or solemnly affirm*)—

1. That I will not attempt to ascertain, and will by every means in my power prevent any other person from ascertaining how any person is about to vote or shall have voted at this election save and except as may be necessary and proper in the case of persons blind or unable to read, or incapable of marking their ballot papers as provided in *The Election Act*.

2. That I will not communicate to any person any information of any kind which may enable or assist any person to ascertain the candidate for whom any person has voted.

3. That I will in all respects maintain and aid in maintaining the absolute secrecy of the voting at this polling place.

So help me God.

Sworn (*or affirmed*) before me }
at this }
day of , 19 . }
A Commissioner, etc. }
(*or as the case may be*). }
See Section 9. }

R.S.O. 1927, c. 8, Form 34.